

AGENDA ITEM: 5.2

To: Development Assessment Panel (DAP) on 11 May 2015

From: Scott McLuskey, Senior Development Officer Planning

Proposal: Shop (Hungry Jack's restaurant) with Drive Through Facilities, Signage, Car Parking and Landscaping (DA 050/148/2015)

Address: 252 Churchill Road, Prospect (CT 6054/447)

SUMMARY:

Planning Authority: Council

Referrals (Schedule 8): Department of Planning, Transport and Infrastructure

Public Notification: Category 1

Representations: Not applicable

Development Plan Version: Consolidated 12 February 2015

Zone and Policy Area: Mixed Use (Islington) Zone

Issues: Appropriateness of additional land use

Recommendation: Approval, subject to conditions

1. EXECUTIVE SUMMARY

- 1.1 A Hungry Jack's shop, including an 8m high freestanding advertising display, is proposed on the site where a McDonald's restaurant was previously approved, in the north-eastern corner of 252 Churchill Road Prospect.
- 1.2 The proposal is a Category 1 form of development and therefore was not publicly notified and was referred to the Department of Planning, Transport and Infrastructure, who indicated their support for the proposal subject to conditions.
- 1.3 The proposal includes adequate car parking and vehicle manoeuvring areas, with nominal but sufficient landscaping areas provided. It is anticipated that the quality of landscaping can be ensured through the imposition of appropriate conditions. The potential for noise or environmental impact to nearby residents has been appropriately minimised. The proposal therefore warrants development plan consent.

2. LOCALITY AND SUBJECT LAND

- 2.1 DAP members would be familiar with the site of the proposed development, situated on the north-western side of the intersection of Regency and Churchill Roads, which currently accommodates a Bunnings bulky goods retail showroom, four additional bulky goods tenancies and associated parking and landscaping areas. The remainder of the site has been remediated, with traffic lights to Churchill Road providing access to an internal roadway. Temporary fencing surrounds the undeveloped portions of the site.
- 2.2 The locality and subject land are illustrated in **Attachments 1-4**.

3. **BACKGROUND**

- 3.1 The DAP approved an application for the construction of a Bulky Goods Outlet Complex on the land at its meeting of 13 December 2010. A substantial number of subsequent variations have been lodged since that time addressing the size and layout of bulky good tenancies, the reconfiguration of car parking and landscaping areas, and the use of the subject area of the land for a McDonald's restaurant (that ultimately was not progressed).

4. **PROPOSAL**

- 4.1 The proposal comprises a change in the use of a portion of the site from bulky goods retail to a Hungry Jack's shop, which is proposed to trade 24 hours a day (which is consistent with the nearby McDonald's restaurant). The change in use would be facilitated by the construction of a new single storey building, in place of the previously approved bulky goods tenancies, and a revision of the car parking and landscaping areas in the affected area. Complementary signage would also be established.
- 4.2 The overall site would therefore comprise a large bulky goods retail outlet (Bunnings), a single building containing three bulky goods tenancies and one large floor-plate shops, and the proposed Hungry Jack's shop. The site of the development itself comprises a vacant parcel of land forward of the four tenancy building described above.
- 4.3 It is noted that while the application refers variably to the proposed use of the land as a 'restaurant' and a 'shop', sufficient evidence is provided to establish the proposed use of the land is for the purposes of a shop. To this end it is relevant that the seating capacity of the building is limited to 30 seats only, which contrasts with the previously approved McDonald's restaurant of some 128 seats.
- 4.4 Details of the proposal are attached, including plans prepared by MCA Studio and KAS architects (refer **Attachments 5-9**), supporting documentation from Nathan Franklin of Master Plan (refer **Attachments 10-17**) and a Transport Impact Assessment by MFY (refer **Attachments 18-21**).

5. **REFERRALS**

- 5.1 External (Legislated) Referrals
- 5.1.1 The proposal was referred to the Department of Planning, Transport and Infrastructure (DPTI) in accordance with Section 37 of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*.
- 5.1.2 In response (refer **Attachments 22-24**), the Transport Services Division of DPTI identified that the anticipated traffic generation would not impact on the operation of the adjacent signalised junction, as this type of use was envisaged since the early stages of development. The proposed access arrangements and proposed layout would be acceptable for passenger vehicles and Hungry Jack's delivery vehicles. It was noted that obsolete crossovers in the internal circulation road should be returned to kerb and gutter.
- 5.1.3 Concerns were raised that the landscaping adjacent the drive-through lane may not be sufficient to minimise the impact of light spill from queuing vehicles, and it was recommended that a condition ensuring the height and density of plantings, or the provision of alternative screening solutions, be applied to address this. The illuminated pylon sign was deemed unlikely to impact on the adjacent signalised intersection.

5.1.4 The DPTI subsequently indicated that they did not object to the proposal and recommend a series of conditions to be attached to the approval. Council must have regard to the comments received and as such it is recommended that these proposed conditions be included as conditions or notes (as appropriate) if consent is granted.

6. PUBLIC NOTIFICATION

6.1 The application is a Category 1 form of development pursuant to Section 38 of the *Development Act 1993*, Schedule 9 of the *Development Regulations 2008* and Mixed Use (Islington) Zone Principle of Development Control 48.

6.2 An application comprised solely of a shop is a Category 1 development in any circumstances within the Mixed Use (Islington) Zone.

7. PLANNING COMMENTARY

7.1 The application involves building work and therefore an application to Council is required. The proposal is neither a complying nor a non-complying development with reference to Principles of Development Control 46 and 47 of the Mixed Use (Islington) Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.

7.2 Pursuant to Section 35(2) of the *Development Act 1993*, a development that is assessed by the Council as being seriously at variance with the Development Plan must not be granted consent. To this end, the Panel must determine whether the proposal is seriously at variance with the Development Plan prior to making a decision on the application.

8. PLANNING ASSESSMENT

8.1 Proposed Land Use

8.1.1 The Desired Character Statement for the Mixed Use (Islington) Zone provides that the zone will accommodate a range of business, commercial and retail uses (including bulky goods retailing) to promote accessible, transit focused employment opportunities that rely on and support the adjacent public transport services. The Zone is intended to accommodate a mix of uses including core retail, upper level residential, light industry/commercial, mixed retail/commercial and bulky goods retail.

8.1.2 It is not intended that any one land use dominate over another to the extent that the entirety of the Zone results in an overwhelming imbalance of one or more land uses. The area within which the proposed change of use is located is described within the Islington Land Use & Interface Concept Plan as accommodating mixed retail/commercial land uses, with bulky goods retail located within the southern portion of the site.

8.1.3 The introduction of a Hungry Jack's shop would be complementary to the approved bulky goods tenancies and large floor-plate shops, and is therefore considered to be generally consistent with the range of uses anticipated in the zone.

- 8.1.4 The applicant has confirmed that the intention is to provide the ability for 24-hour trade to occur for both the restaurant and drive-through areas of the Hungry Jack's, although this may vary depending on demand. The 24-hour nature of the restaurant use would extend beyond the hours typically associated with bulky goods retailing, although is not inconsistent with the overall intent of the zone and should have negligible impact on nearby residential properties. It is noted that the nearby McDonald's restaurant also trades for 24-hours.
- 8.1.5 In general terms, the proposal is therefore consistent with the mix of uses anticipated in the Zone and is supported from a land use perspective.

8.2 Car Parking and Vehicle Manoeuvring

- 8.2.1 It is generally anticipated that development within the Mixed Use (Islington) Zone will provide car parking at a rate of 5 spaces per 100m² gross leasable floor area for shops and 3 per 100m² for bulky goods retail, although a lesser amount may be appropriate if there is shared car parking between developments (Mixed Use (Islington) Zone PDC 24). Restaurants should be provided with one car parking space for every three seats (Council-wide PDC 246(b)).
- 8.2.2 The currently approved development is based on a model of shared car parking which, similar to other centres supporting bulky goods retail outlets, is likely to comfortably accommodate peak demand without overflow to nearby streets. The proposed shop of 30 seats would have a total floor area of approximately 170m², replacing the previously approved McDonald's restaurant featuring 128 seats and a total floor area of approximately 524m².
- 8.2.3 It is noted that the previous McDonald's application featured 36 car parking spaces associated with the proposal, in respect of an anticipated demand of 43 parking spaces. The proposal would provide 18 car parking spaces, in respect of an anticipated demand of 9 parking spaces.
- 8.2.4 The design of the car park also accommodates manoeuvring areas for the loading and unloading of delivery trucks associated with the proposed shop. The report prepared by David Kwong of MFY provides swept path diagrams for an 11m long rigid truck, demonstrating compliance with the relevant Australian Standard (AS 2890.2:2002).
- 8.2.5 The proposal would therefore decrease the anticipated demand for car parking within this portion of the overall site and would provide a suitable number of parking spaces for the nature and scale of the use proposed. The movement of vehicles throughout the site, including those of trucks for loading and unloading purposes, would occur in accordance with the relevant Australian Standards. The timing and size of delivery vehicles can be appropriately managed by the imposition of conditions. The proposal is therefore supported from a traffic and parking perspective.

8.3 Built Form and Landscaping

- 8.3.1 It is generally anticipated that development adjacent Churchill Road should orientate buildings to address the road, while establishing sufficient landscaping between the road and buildings of an appropriate bulk and scale (Mixed Use (Islington) Zone PDCs 25 & 26).
- 8.3.2 The presentation of the proposed building would be appropriate, both for the type of use proposed and with regard to existing and approved buildings across the remainder of the site.

- 8.3.3 The landscaping scheme (refer **Attachment 7**) would feature ground covers, low-mid level shrubbery plantings and feature plantings of Crepe myrtle trees within larger areas of landscaping. While not indigenous to the area, the use of this particular variety of Crepe myrtle, which grows to a height of 6-8m and has notable white flowers, would provide for a desirable point of difference and variation from the landscaping of the remainder of 252 Churchill Road.
- 8.3.4 The proposed landscaping species and extent of landscaping areas is supported, subject to conditions ensuring suitable density and height of plantings, and requiring ongoing maintenance.

8.4 Signage

- 8.4.1 It is desirable that freestanding advertisements be limited in number and located to define key access points (Mixed Use (Islington) Zone PDC 28). The proposed pylon sign (refer **Attachment 6**) would have a total height of 8m and would replace the previously approved 8m tall pylon sign of a similar location. Its height and siting are considered appropriate, while the illumination of the sign would not distract motorists or impact on occupiers of residential properties.
- 8.4.2 The remainder of the signage either affixed to the building or within circulation spaces is limited in number and would have a consistent theme. Generally, the signage is consistent with what would be expected of a use of this nature.
- 8.4.3 The size and positioning of the signs is considered appropriate, taking into consideration the size of the subject land, its location on an arterial road and its separation from residential land uses. This component of the application is therefore supported.

8.5 Waste Management and Emission Control

- 8.5.1 Development with the potential to emit nuisance-generating air pollution should incorporate air pollution control measures to prevent unreasonable interference with the amenity of the locality (Mixed Use (Islington) Zone PDC 11). Further, the storage and collection of waste should occur within designated areas that are screened and separated from adjoining areas, protected from wind and stormwater and located to avoid impact upon adjoining sensitive land uses (Council Wide PDC 262).
- 8.5.2 It is noted that the principally drive-through retail use of the premises is anticipated to result in a lesser amount of general and recyclable waste being disposed of on the subject land.
- 8.5.3 This notwithstanding, the area provided for storage and collection of waste would be screened, sealed, located on the western façade of the building and be of a similar size to that previously approved within the larger McDonald's restaurant.
- 8.5.4 Kitchen and exhaust flues are required to be operated and maintained so as to comply with the Environment Protection (Air Quality) Policy 1994 established under the Environment Protection Act. Compliance with the policy will ensure that emissions from the cooking process are well-dispersed and minimise the potential for cooking odours to cause a nuisance to nearby residents. It is considered reasonable to reinforce the policy by way of condition.
- 8.5.5 Similarly, noises from plant and machinery have the potential to impact on nearby residents. While plant and machinery noise will also need comply with the Environmental (Noise) Policy 2007 under the Environment Protection Act, it is considered reasonable to also reinforce this by way of condition.

8.5.6 As such, it is considered that the proposal would put in place sufficient management regimes to efficiently store and manage collection of waste, while minimising external impacts associated with litter, noise and odours. The proposal is therefore supported in relation to its control of undesirable environmental impacts.

9. CONCLUSION

- 9.1 The proposed Hungry Jack's shop is consistent with the range of uses anticipated within the Mixed Use (Islington) Zone. Sufficient car parking spaces would be provided to accommodate peak demand, while the design of the circulation spaces would be satisfactory for all vehicles using the site.
- 9.2 Landscaping and signage would be distinctive and appropriate to the type of development proposed and its context within the site and the broader locality. Waste management would be consistent with best practice in the industry, while compliance with relevant standards would ensure that a high amenity value is maintained.
- 9.3 The application is therefore considered to be relatively consistent with the relevant provisions of the Prospect (City) Development Plan and warrants the granting of development plan consent, subject to appropriate conditions.

10. RECOMMENDATION

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated, the locality within which the land is situated and existing approvals over the land, the Panel resolves that development application 050/148/2015 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the *Development Act 1993*, as amended, Development Plan Consent be granted to DA 050/148/2015 from Hungry Jack's Pty Ltd for a Shop (Hungry Jack's restaurant) with Drive Through Facilities, Signage, Car Parking and Landscaping at 252 Churchill Road, Prospect (CT 6054/447), and that the following conditions be applied to the consent:

Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/148/2015, except as modified by any conditions detailed herein. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation of the approved development.
2. The conditions, where pertinent, of the original development plan consent number 050/403/2010 (Construction of a Bulky Goods Outlet Complex) shall be complied with to the reasonable satisfaction of Council at all times, particularly conditions numbered 1,2, 3, 4, 5, 6, 7, 8 & 9 of Council and 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 21, 23, 24 & 25 as applied at the request of the then Department for Transport, Energy and Infrastructure (DTEI).
3. The parking areas approved herein shall conform to AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
4. All landscaping areas shall be established and maintained at all times to the reasonable satisfaction of Council, and shall not be established using seedlings. The applicant or the

persons for the time being making use of the subject land shall cultivate, tend and nurture the landscaping, and shall replace any landscaping that becomes diseased or dies. An automated drip irrigation or similar watering system shall be established and maintained to ensure that sufficient water is available to satisfy the needs of the landscaping species selected.

5. Landscaping described on Drawing No 'A3 – SK02' and described as 'SHRUBS' shall be planted extensively, shall not be planted with seedlings, and shall be maintained at a minimum 1m height to the satisfaction of Council.
6. To ensure compliance with applicable standards as described in the Environment Protection (Noise) Policy established under the Environment Protection Act, construction activities shall only take place between the hours of 7:00am and 7:00pm, Monday to Saturday inclusive, and not on Sundays or public holidays.
7. Service and delivery vehicle movements shall occur outside of the peak periods associated with the use approved herein and in any event shall not occur before 6am or after 9pm on any day

The following conditions are applied at the recommendation of DPTI:

1. Access shall be gained via the internal road of the Islington South development. Direct vehicular access to/from Churchill Road shall not be permitted.
2. The largest vehicle permitted to enter the site shall be an 11 metre long rigid truck as per the MFY Parking and Traffic Assessment dated 8 April 2015.
3. Delivery vehicle movements and refuse collection shall occur outside of the peak period associated with the restaurant and drive through facility.
4. The parking areas shall conform to AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
5. All vehicles shall enter and exit the site in a forward direction.
6. Landscaping and/or screens to prevent headlight glare from the drive through facility and vehicle circulation areas affecting traffic on Churchill Road and the internal access road adjacent to the signals shall be installed prior to the operation of the business. Advanced growing species of vegetation shall be selected to ensure sufficient coverage.
7. A landscape management program shall be developed to ensure the landscaping is fit for purpose for the life of the proposed development.
8. Any screening shall be maintained in good condition at all times and be repaired if required in a timely manner at the applicant's cost.
9. The proposed signs may use LED lighting for internal illumination of a light box only.

10. No element of LED or LCD display shall be included in the design of any sign visible to motorists on Churchill Road.
11. The signs shall be limited to a low level of illumination (i.e. less than 200cd/m²) so as to minimise distraction to motorists.
12. The signs shall not contain any element that flashes, scrolls, moves or changes.
13. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
14. No stormwater from this development is permitted to discharge on-surface to Churchill Road. In addition, any existing drainage of the road shall be accommodated by the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the developer.

Advisory Notes:

- (1) Pursuant to Section 86(1)(a) of the Development Act 1993 you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

- (2) Any works that are to be undertaken on Council land including but not limited to the construction of driveway, crossover, laying of stormwater pipes, relocation of infrastructure and removal or relocation of street trees shall not be undertaken without the prior permission from Council. An application to undertake works is required to be lodged (including payment of lodgement fee) and approved by Council. Further information and/or specific details can be obtained by phoning Council on 8269 5355.
- (3) A landscape management program should be developed to ensure the landscaping is fit for purpose for the life of the development.
- (4) The commencement of additional advertising displays, including those in the form of a trailer-mounted variable message displays, should not be established without an additional development approval.
- (5) No element of LED or LCD display should be included in the design of any signage visible to motorists on Churchill Road, although LED lighting may be used for internal illumination of light boxes.
- (6) The cost of rectifying any damage or conflict with existing Council or DPTI infrastructure arising out of this development will be borne by the applicant.
- (7) Prior to the commencement of construction of the development herein approved, it is recommended that the developer employs the services of a licensed Land Surveyor to carry out an identification survey of the subject land and to peg the true boundaries, to ensure that building work will be either on the true boundaries or the specified distance from the true boundaries of the subject land, as the case may be.

- (8) Once development approval is granted, the development must be:
- a) Substantially commenced within twelve (12) months from the date of the decision of this Consent or Approval, otherwise this Consent or Approval will lapse at the expiration of twelve (12) months from this date (unless Council extends this period), and a new development application shall be required;
 - b) Fully completed within three (3) years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of three (3) years from this date (unless Council extends this period) and a new development application shall be required; and
 - c) Any request for an extension of time must be lodged in writing with the Council prior to the expiry of the above-mentioned periods.
- (9) Notifications by the owner must be given to the Council in accordance with the following requirements:
- a) One business day's notice of the commencement of building work on the site; and
 - b) One business day's notice of the completion of the building work on the site.

Penalties of up to \$4000 may be applied for failing to notify Council.



Scott McLuskey
Senior Development Officer, Planning



MAP Pr/11 ADJOINS

MAP Pr/3 ADJOINS

- RA560 Residential Policy Area A650
 - RA450 Residential Policy Area A450
 - RA350 Residential Policy Area A350
 - RB200 Residential Policy Area B200
 - TL Transit Living Policy Area
 - B Boulevard Policy Area
 - H High Street Policy Area
 - HC9 Historic Conservation Area 9 Policy Area
-
- Policy Area Boundary
 - Development Plan Boundary
 - Area not covered by Policy

Subject Land

Scale 1:8000



**PROSPECT COUNCIL
POLICY AREAS
MAP Pr/8**

Consolidated - 12 February 2014

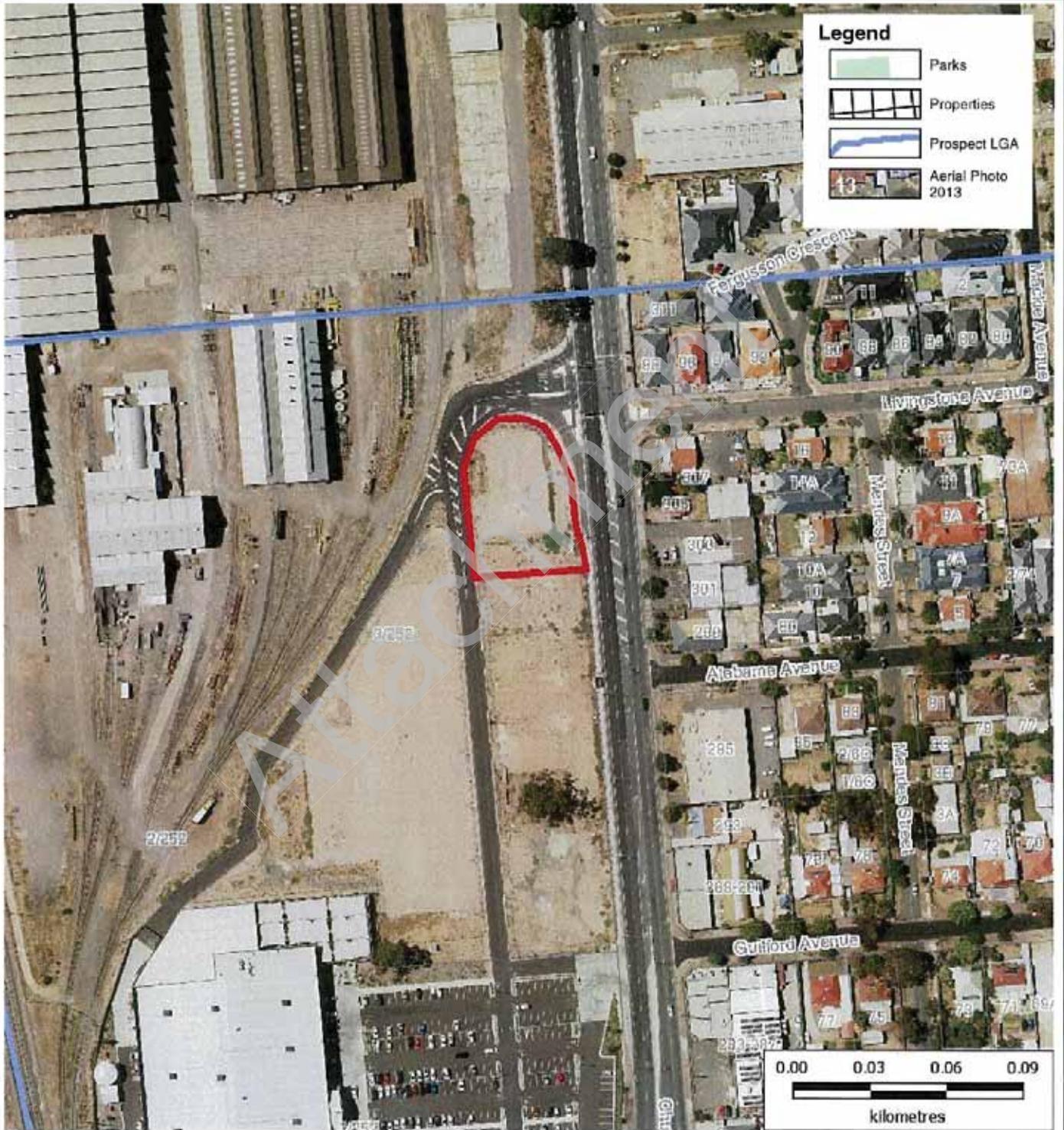


Photographs of Churchill Road streetscape facing south and north respectively



Civic Centre
128 Prospect Road
Prospect SA 5082 AUSTRALIA
Telephone: 08 8269 5355
Email: admin@prospect.sa.gov.au

Subject Site



Notes

Disclaimer

This map is a representation of the information currently held by the City of Prospect. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.



Photographs of subject site

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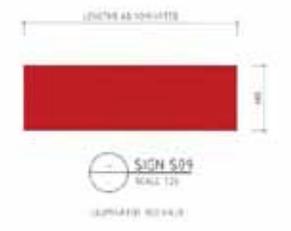
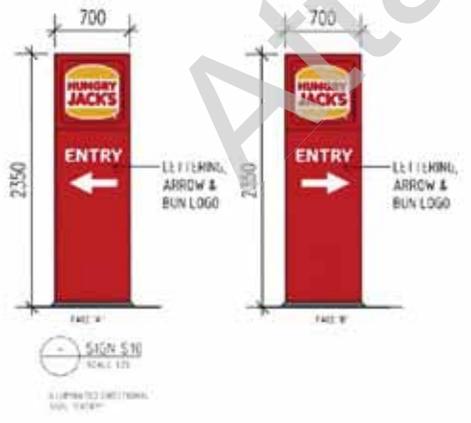
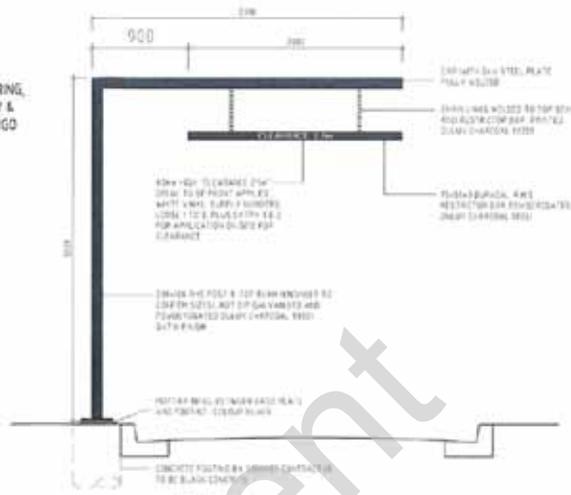
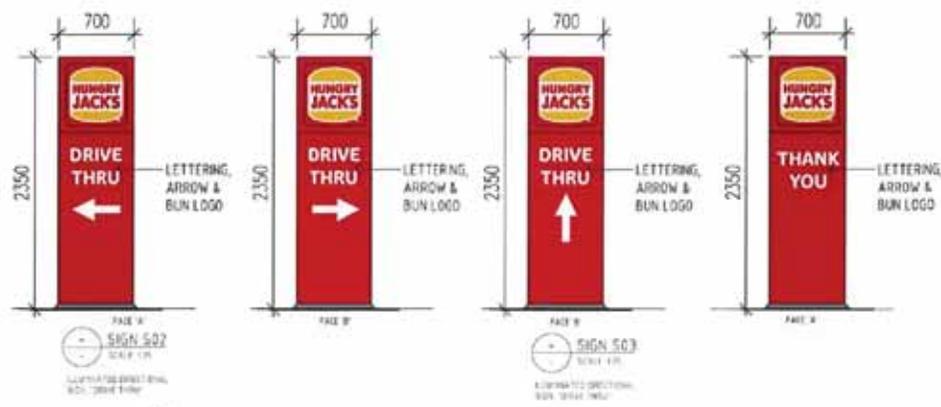


PROPOSED HJ 30 LOCATION PLAN

DRWG C1502 A3SK01



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HUNGRY JACK'S PTY. LTD. L6 - 100 WILLIAM STREET WOOLLOOMOOLOO NSW 2011 <small>© COPYRIGHT HUNGRY JACK'S PTY LTD ALL RIGHTS RESERVED. NO PART OF THIS DRAWING OR DRAWINGS IN THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HUNGRY JACK'S PTY LTD.</small>	REV	DATE	ATTACHMENT	30%	VERIFY ALL DIMENSIONS AND LEVELS ON SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK. DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS AND PLUMBING DIMENSIONS ONLY. DIMENSIONS SHALL PREVAIL OVER DIMENSIONS OF THE ISSUED SET AS ENTERED AND AUTHORIZED SECTION IS CONFIRMATION OF THE STATUS OF THE DRAWING. THE DRAWING SHALL NOT BE USED FOR CONSTRUCTION UNLESS ENDORSED FOR CONSTRUCTION AND ALIGNED TO THE SAME.	KAS ARCHITECTS PTY LTD Suite 302, Ormrodle Place Hurstville NSW 2220 ADN 48 802 616 920 PH: 02 9553 6200 E: info@kasarchitects.com.au	PROJECT HUNGRY JACK'S	DRAWING SIGNAGE ELEVATIONS	
	PROJECT NO	150101	DATE	MARCH 2015	DRAWN BY K & S Architects			SCALE AS SHOWN@A1	CHECKED BY A006

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BULKY GOODS ACCESS ROAD



ELP EXISTING LIGHT POLE (RELOCATE AS NOTED)
 NLP NEW DRIVEWAY LIGHT POLE LED FITTING 1500H X 2400
 SIGNS REFER HJ STANDARD DETAIL SHEET ERWS 001

BULKY GOODS ACCESS ROAD



PROPOSED FAMILY RESTAURANT CHURCHILL RD ISLINGTON

CHURCHILL RD

EXG INTERSECTION / LIGHTS

SITE PLAN 1:250

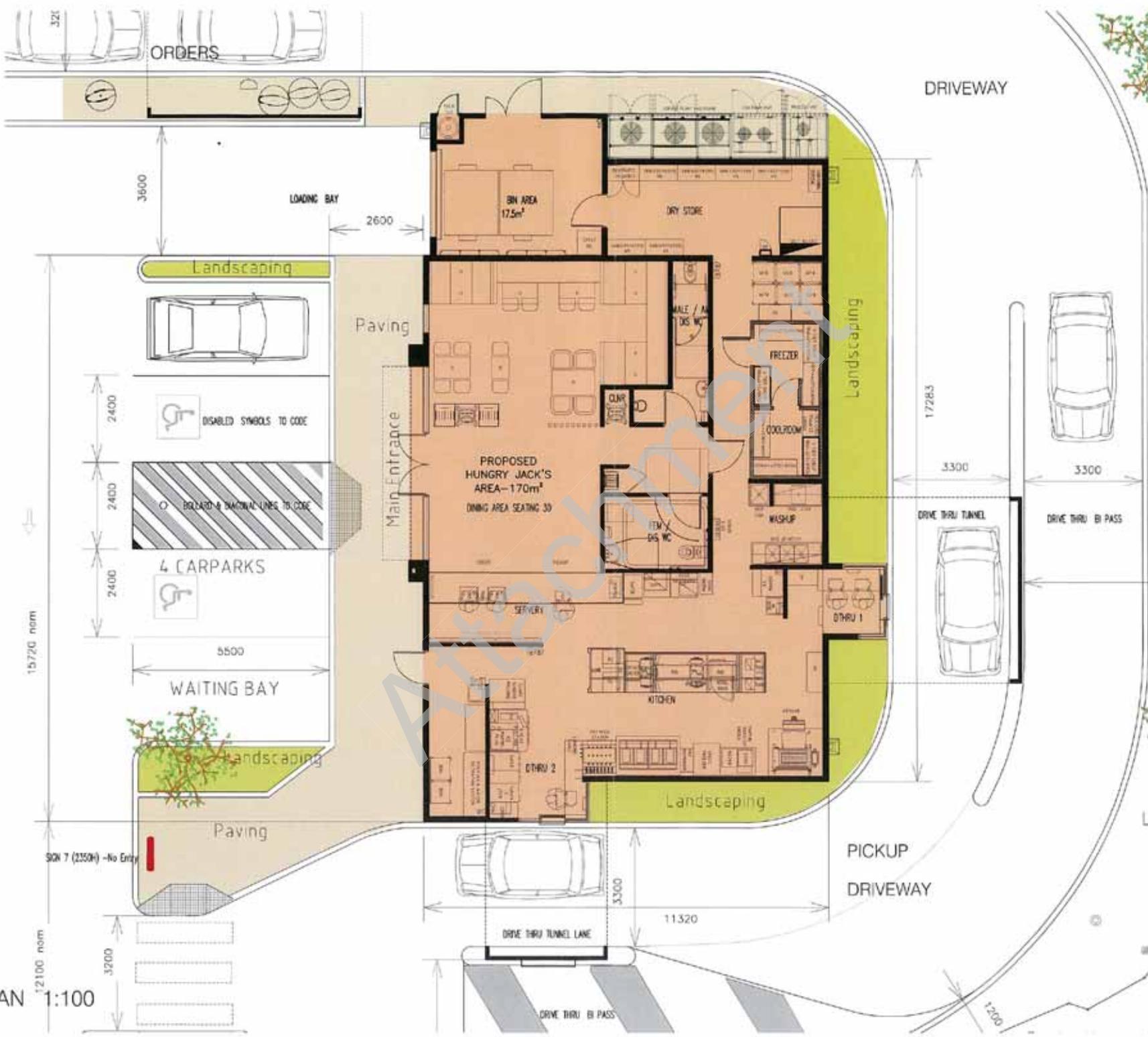
PLANT	Logos/notes/indic. Matches	Qty	Notes
78221	Crested Myrtle		
311555	Neroli speciosa - Yveronica	16	30x30
	Nonchta Domestica - Moon Bay Sacred Basilica	16	30x30
	Viburnum sp. - Louisiana	16	30x30
GROUND COVERS & FEATURE PLANTING			
	Dianella revoluta - Little Red Back Anemone Flax-lily	01	Feature Planting
	Ulmaria muscari - Urtica	16	Feature Planting
	Lycium sp. - Lycium	01	Feature Planting
	Hardenbergia violacea - Native Hardenbergia	16	Feature Planting

SCALE	OWNER	APPROVED
1:250	PDC	PDC
PROJECT NO:	DRAWING NO:	SHEET NO:
C1502	A3- SK02 A00	

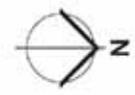
MCA STUDIO ARCHITECTURAL SERVICES
 177 GILLES STREET ADELAIDE SA 5000
 T (08) 8227 0401 F (08) 8227 0402



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- AREAS**
- HJ 30 INTERNAL BUILDING AREA - 170 M2
 - INDOOR SEATING 30
 - 18 CARPARKS (INCL 2 DISABLED)



PROPOSED FAMILY RESTAURANT CHURCHILL RD ISLINGTON

HJ 30 FLOOR PLAN		
SCALE: 1:100	DRAWN: PDC	APPROVED: PDC
PROJECT NO: C1502	DRAWING NO: A3SK03	ISSUE NO: A00

MCA STUDIO ARCHITECTURAL SERVICES
 177 GILLES STREET
 ADELAIDE SA 5000
 T (08) 8227 3421
 F (08) 8227 0130

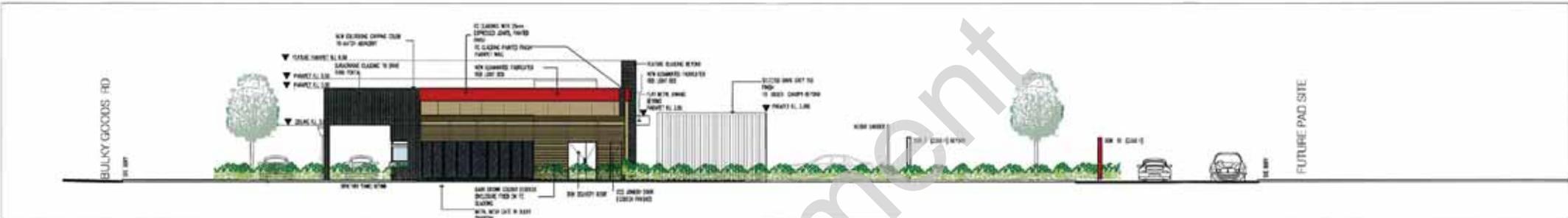


FLOOR PLAN 1:100

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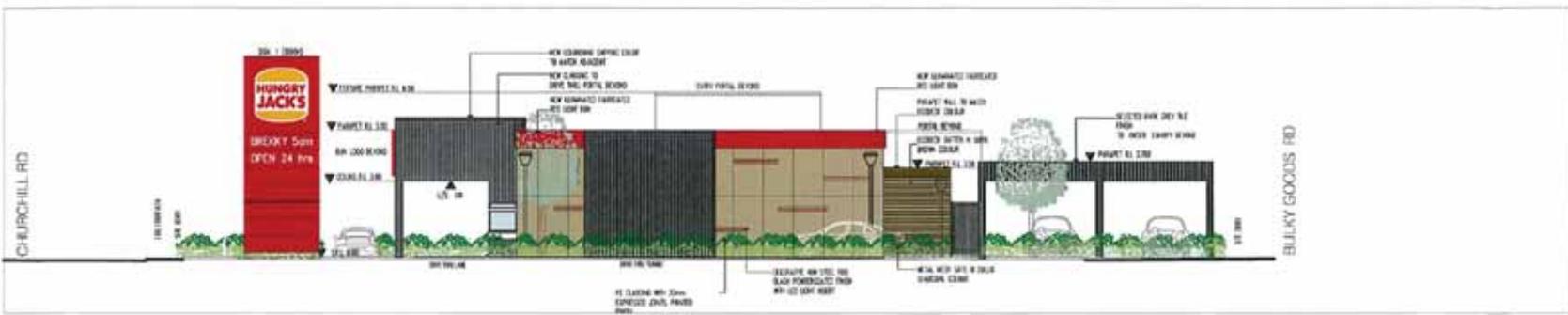
EAST ELEVATION - CHURCHILL RD



WEST ELEVATION - BULKY GOODS ACCESS RD



SOUTH ELEVATION



NORTH ELEVATION



**PROPOSED
 FAMILY
 RESTAURANT
 CHURCHILL RD
 ISLINGTON**

PROJECT: C1502
 SHEET: A3SK04
 SCALE: 1:200
 DATE: 10/04/15

ELEVATIONS		
NO.	SCALE	DATE
1:200	PDC	PDC
C1502	A3SK04	A00

MCA STUDIO
 ARCHITECTURAL SERVICES
 177 GILLES STREET
 ABERLADE SA 6000
 T (08) 8007 0491
 F (08) 8297 0403

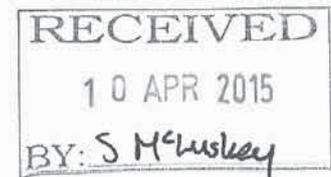


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10 April 2015

City of Prospect
 128 Prospect Road
 PROSPECT SA 5085

Attention: Scott McLuskey



Dear Scott

**Re: Proposed Hungry Jacks Restaurant
 3/252 Churchill Road, Prospect**

Please find enclosed herewith a development application prepared on behalf of Hungry Jacks Pty Ltd for the proposed construction of a restaurant with associated car parking and site works on a portion of 3/252 Churchill Road, Churchill. Enclosed with the application is the following documentation:

- a completed Development Application Form and cheque in payment of the relevant fees;
- a completed Powerline Declaration Form;
- three sets of A3 plans illustrating the proposed development;
- traffic and access commentary from MFY Traffic Consultants; and
- Certificate of Title.

Can you please advise on the required development application fees so that we can arrange for prompt payment from our client.

Site and Locality

The subject land is part of the leasehold of the total site located on the corner of Regency Road and Churchill Road, Prospect. The land is more specifically described as Lot 44 in Deposited Plan 661165 in the Hundred of Yatala and comprised in Certificate of Title Volume 6054, Folio 447 as detailed within the **attached** Certificate of Title. The site of the proposal represents a portion of an existing and undeveloped pad site immediately to the south of the existing signalised access from Churchill Road.

The subject land currently contains a large bulky goods outlet (Bunnings) and four bulky goods and retail outlets to the south of the site. Areas immediately adjacent and surrounding the built form provides for



access, car parking and landscaping.

The site of the proposed development is currently vacant, albeit has been prepared with services connected to the previously approved stormwater drainage system servicing the entire site.

Access to the total site is in the form of a left-in, left-out point on Churchill Road and a signalised intersection opposite Livingston Street, and has been completed together with the internal roadway between the Bunnings car park and the traffic signals adjacent the site.

The surrounding locality presents a mix of land uses although the existing bulky good and retail development upon the land are the key contributor to the amenity of the locality. The eastern side of Churchill Road comprises commercial and residential properties while the highly trafficked Churchill Road further adds to the amenity experienced within the locality.

Background

Council previously considered and approved a McDonald's drive through and dine in restaurant upon the subject land by way of DA 050/245/2012, which varied the previous approval DA 050/403/2010, for the overall bulky goods retail complex. This application affectively changed the use of a portion of the site from bulky goods to shop (restaurant).

This approved development involved the construction of a McDonald's restaurant containing 128 seats with a total floor area of 524 square metres accessed only via the internal north south private road. The proposal also included drive through lanes, a pylon sign which was conditioned to a maximum height of 8.0 metres, car parking and associated site works. It was approved to operate 24 hours a day

Proposed Development

The proposed development would involve the construction of a Hungry Jacks Drive through and dine in restaurant containing 30 seats contained with a single storey building of 170 square metres. The subject site for the proposed development represents a portion of the previous pad site for the larger McDonald's restaurant. The balance of this pad site is proposed to remain vacant at this stage and does not form part of this application.

The building is proposed to be orientated to the north of the pad site adjacent the signalised access to Churchill Road. The building is proposed to be surrounded to the west, north and east by the drive through lanes with landscaping beyond. Access to the site would be provided by the private north-south internal road and would utilise an existing crossovers.



Car parking for 18 spaces is provided to the south of the building. Deliveries, by rigid vehicle only, to the building would be accommodated via the car park with access arrangements detailed within the turn circles and traffic statement provided by MFY.

The building is proposed to be clad with modern materials consisting of decorative panels, Colorbond roofing, eco-deck screening and glazing. At its highest point the building is proposed to be 5.0 metres in height however the predominant built form height is 4.2 metres. All plant and waste receptacles are proposed to be suitably screened with solid materials within designated enclosures.

Signage is contained upon the building as illustrated in the building elevations and is consistent with the company's corporate branding. An 8.0 metre high blade sign is proposed within a landscaping area to the eastern side of the drive through lane. This sign is simple in design and is the key identifier for the site. In addition, small identification and directional signs are proposed throughout the site.

All car parking and access roads would be bitumen sealed and line marked accordingly. Landscaping would consist of low lying grasses, shrubs and bushes around the perimeter of the site and built form.

Stormwater collected and to be discharged from the site is proposed to connect to the existing drainage infrastructure upon the site. This existing infrastructure has been designed to manage with the additional stormwater generated.

The proposal plans are more fully illustrated on the plans prepared by MCA Studios as follows:

- C1502 A3SK01 Location Plan.
- C1502 C313.
- C1502 A3SK02 Site Plan.
- C1502 A3SK03 Floor Plan.
- C1502 Elevations.
- C1502 Elevations.

Planning Merits

The subject site is situated within the City of Prospect and therefore requires the assessment against the relevant provisions of the Prospect (City) Development Plan dated 31 October 2013. The land is located within the Mixed Use (Islington) Zone and is not located within a specified policy area.



Land Use

- Objective 1:** A functional and diverse zone accommodating a mix of commercial, community, light industrial, and retail land uses.
- Objective 3:** Activities that generate employment and economic vitality for the community.

The proposed fast food restaurant provides a retail function and is part of the mix of uses intended for the functional and diverse zone in Objective 1. The proposed use will provide for an improved economic outcome in this part of the locality and in particular the opportunity to generate local casual employment for the youth of the community. A shop use is also an envisaged use as outlined in Principle of Development Control (PDC) 1.

- Objective 5:** Development that contributes to the desired character of the zone.

The proposal directly aligns with the Desired Character Statement of the zone which envisages retail uses as part of the mixture of uses to be accommodated in the area. It will also assist in "providing for a vibrant and active locality whilst striving for compatible land use activities".

The Desired Character Statement states that *"it is not intended that any one land use dominate over another to the extent that the entirety of the zone results in an overwhelming imbalance of one or more land uses"*.

Form and Character

- 16** Development should provide for a mixture of land uses, urban form and character.
- 17** Development that results in a predominance of a single land use should integrate with the design and function of surrounding developments.

As mentioned, the proposed development results in a mixture of land uses envisaged for the zone which in turn allows for a mixture of urban form and character. Currently there is a mix of large floorplan retail shops and bulky goods floorspace and the proposed use would provide an addition to this retail focus as desired. As discussed in the commentary regarding the Desired Character Statement, the proposed retail development maintains the mix and does not result in the predominance of a single land use.

- 21** The bulk and scale of development should provide for the functional development of the envisaged uses.
- 22** Development abutting Churchill Road should:
- (a) orientate the front of buildings towards the road;
 - (b) establish landscaping between the road and buildings;
 - (c) include landscaping of car parks; and
 - (d) screen service areas from development and main roads.



The bulk and scale of the proposed restaurant is consistent with the function of a small pad site adjacent a main road. The Hungry Jack's compact size of this business model is suitable for this site. In regard to Principle 22, the development abutting Churchill Road is appropriately orientated towards the road, appropriate landscaping is proposed between the road and buildings, and the car park area and service areas are appropriately screened from the main road.

- 28 The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.**
- 30 Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality**

The design of the restaurant is considered to be in a form that is sympathetic to the scale of development in the locality and within the context of its setting with regard to shape, size, materials and colour. The built form maintains a coordinated appearance that would enhance the visual attractiveness of the locality.

Signage

- 23 Advertisements and advertising hoardings should not include any of the following:**
- (a) **flashing or animated signs;**
 - (b) **bunting, streamers, flags or wind vanes;**
 - (c) **roof-mounted advertisements projected above the roofline; and**
 - (d) **parapet-mounted advertisements projecting above the top of the parapet.**

The proposed ancillary signage includes advertisements mounted on the facade of the building, menu boards and directional signs to the car park. None of these signs are flashing or animated, or projecting above the roof line and projecting above the top of any parapet wall.

- 24 Freestanding advertisements and advertising hoardings should:**
- (a) **be limited in number to avoid proliferation of signage along the street frontage;**
 - (b) **located to provide clear site identification and define key access points; and**
 - (c) **incorporate coordinated tenancy signage.**

The proposed freestanding sign is a standard 8.0 metre high Hungry Jack's blade sign. The single freestanding sign measures 2.0 metres wide by 8.0 metres in height. The sign is located away from all other existing signage and provides suitable identification for the proposed restaurant.



The issue regarding the location of the freestanding pylon sign near the signalised intersection has been addressed in the accompanying traffic statement. The Transport Services division of the DPTI raised no objection to the previously approved McDonald's freestanding sign in substantially the same location and at a same height. The proposed signage satisfies the relevant provisions of the Development Plan.

Car Parking and Access

- 18 Development should be carried out in accordance with Concept Plan Figure Pr/2 – Islington Access & Movement.**
- 19 Vehicle parking areas should be sited and designed in a manner that will provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development, based on the consideration of the nature of activity and the likely hours of operation.**
- 305 Except in mixed use or corridor zones, entertainment and recreational facilities should provide for car parking at the following rates:**
- (b) restaurants: one car parking space for every three seats provided or able to be provided on the premises;**

Traffic access and car parking issues are addressed in detail in the accompanying Traffic Impact Assessment Report prepared by MFY Consultants:

- based upon an empirical assessment based on PDC 305(b), the proposed restaurant development is expected to have a peak parking demand of 10 spaces;
- the supply of 18 parking spaces for the restaurant development exceeds the expected parking demand and will provide for excess shared parking associated with any future development on the balance of the pad site;
- the proposed parking layout is consistent with the dimensional requirements as set out in the Australian/New Zealand Standards for Off-street Car Parking (AS/NZS2890.1:2004 and AS/NZS2890.6:2009); and
- suitable access arrangements exist to accommodate the predicted traffic generation to the site and to permit the identified 11.0 metre rigid delivery and refuse vehicles to enter and exit the site in a forward motion.

With consideration of the above, the application suitably complies with the car parking and access requirements of the Development Plan.



Procedural Matters

The previous application DA 050/245/2012 for a larger McDonald's restaurant was referred under Schedule 8 of the *Development Regulations 2008* to the Department of Planning, Transport and Infrastructure (DPTI) Transport Services Division. The comments from the Transport Division, at the time, regarding this previous approval are summarised as follows:

- Transport Services Division of DPTI identified that the anticipated traffic generation would not impact on the operation of the adjacent signalised junction, and that the proposed access arrangements and proposed layout would be acceptable for passenger vehicles and delivery vehicles.
- Concerns were raised that the landscaping adjacent the drive-through lane may not be sufficient to minimise the impact of light spill from queuing vehicles, and it was recommended that additional screening be provided to reduce this potential hazard. The illuminated pylon sign was deemed unlikely to impact on the adjacent signalised intersection.
- No other issues were raised with either the built form or advertising display and accordingly DPTI recommended a series of conditions to be attached to the approval. Council had regard to the comments received and as such it was recommended that these proposed conditions were included as conditions or notes (as appropriate) if consent is granted.

It is noted that this proposed design by Hungry Jack's distinguishes itself from the previous approval on the site in terms of addressing the potential for vehicle head lights potentially impacting upon traffic movements upon Churchill Road. The proposed built form and drive through lane is now well setback from the road frontage with landscaping further reducing the potential for vehicle head light glare to occur.

Furthermore traffic generation, due to the size of the Hungry Jack's proposed, would not impact upon the signalised crossing or the existing road network while the signage proposed is substantially consistent with that previously accepted by DPTI.

Public Notification Category

As defined by the *Development Regulations 2008*, a restaurant is a type of shop and Zone Principle 48 lists a shop as a Category 1 form of development. Therefore it is entirely reasonable to conclude that the proposed development represents a form of Category 1 development in which public notification is not required.



Having regard to the relevant provisions of the Development Plan that relate to this application, it is considered that the proposal is an appropriate form of development and warrants the consent of the Council.

Please do not hesitate to contact the undersigned on 8221 6000 should you require any further information.

Yours sincerely

Nathan Franklin
MasterPlan SA Pty Ltd

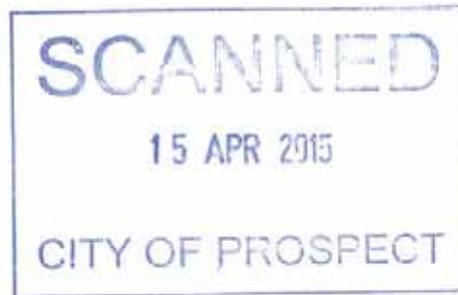
enc: Documents as listed.

Attachment

DK/15-0092

10 April 2015

Mr Cosimo Dichiera
 Hungry Jack's Australia Pty Ltd
 C/- 86 Richmond Road
 KESWICK SA 5035



Traffic • Parking • Transport

Unit 6, 224 Glen Osmond Road
 FULLARTON SA 5063

T: +61 8 8338 8888

F: +61 8 8338 8880

E: mfy@mfy.com.au

W: mfy.com.au

MFY Pty Ltd

ABN 79 102 630 759

Dear Cosimo,

**PROPOSED HUNGRY JACK'S
 CHURCHILL ROAD, ISLINGTON**

This parking and traffic assessment relates to the proposed Hungry Jack's restaurant on Churchill Road, Islington. The assessment has been based on the plans illustrated on MCA Studio Architects drawings C1502 A3SK01 to A3SK04 dated 10 April 2015.

The subject site (currently unoccupied) is located within a portion of land (Churchill Centre South) which is being developed by the Axiom Group. Council's Development Plan (consolidated 12 February 2015) identifies the subject site to be located within the Mixed Use (Islington) Zone.

Churchill Road is a road under the care, control and maintenance of the Department of Planning, Transport and Infrastructure (DPTI) with a posted speed limit of 60 km/h. The road has an Average Annual Daily Traffic (AADT) volume of 29,900 vehicles per day (vpd) (Source: DPTI traffic data dated 20 May 2014).

It is proposed to develop the site to comprise a Hungry Jack's restaurant with seating for approximately 30 people and a dual lane drive-through facility with a car queuing area of approximately 21 cars. There will be 18 parking spaces provided on-site.

Access to the site will be via the existing service road for the Churchill Centre South which intersects with Churchill Road. This intersection has recently been signalised as part of the Churchill Centre South development.

1 PARKING

Council's Development Plan does not identify a parking rate for restaurants within a Mixed Use Zone. Council's Council Wide Principle of Development Control identifies a parking rate of one parking space per three seats for a restaurant. However, MFY has previously undertaken surveys of other existing Hungry Jack's restaurants, and identified a lesser parking rate.



Notwithstanding, even if a rate of one per three seats was to be adopted, there would be a parking requirement of ten parking spaces. The proposal to provide 18 parking spaces on the subject site will, therefore, more than adequately accommodate the parking requirements for the site.

The design of the proposed parking spaces will comply with Australian/New Zealand Standard, *Parking Facilities Part 1: Off-street car parking (AS/NZS 2890.1:2004)* and Australian/ New Zealand Standard, *Parking Facilities Part 6: Off-street parking for people with disabilities (AS/NZS 2890.6:2009)*, in that:

- parking spaces will be a minimum 2.6 m wide and 5.4 m long;
- parking spaces for people with a disability will be a minimum 2.4 m wide and 5.4 m long with an adjacent at-grade shared area 2.4 m wide and 5.4 m long; and
- parking aisles will be at least 5.8 m wide.

With respect to the queuing area of the drive-through facility, the NSW Roads and Traffic Authority's (RTA) (now Roads and Maritime Services (RMS)) *"Guide to Traffic Generating Developments"* (the RTA Guide) identifies a queuing area for eight to ten cars being required. The proposal will accommodate approximately 21 cars and, therefore, will more than adequately accommodate the potential queuing associated with the proposed drive-through facility.

2 TRAFFIC ASSESSMENT

The RTA Guide identifies that a fast food style development will generate an evening peak hour of 120 trips. It is expected that 50% of these trips generated would be to the site, and 50% would be from the site.

The proposal is expected to generate 60 trips to the site and 60 trips from the site during the evening peak hour via the signalised intersection. However, it should be noted that the RTA Guide also suggests for similar developments that there is a proportion of passing trade which is typically at least 50%.

It is assumed that traffic volumes associated with the subject site would have been considered during the assessment on the whole of site Churchill Centre South proposal, particularly in respect to the operation and configuration of the signalised intersection. Accordingly, the forecast traffic generation associated with the site should be readily accommodated within the existing road network and not impact on the operation of the signalised intersection of Churchill Road and the service road.

3 DELIVERIES AND REFUSE COLLECTION

Deliveries for the proposed development will enter and exit the subject site in a forward direction via the Churchill Centre South service road.



The design of the proposed loading area will adequately accommodate an 11 m rigid truck (refuse truck) which is the largest expected vehicle to use this area and will comply with the Australian Standard, *Parking Facilities Part 2: Off-street commercial vehicle facilities (AS 2890.2:2002)*.

The swept path for an 11 m rigid truck accessing the loading area is illustrated in Figure 1.

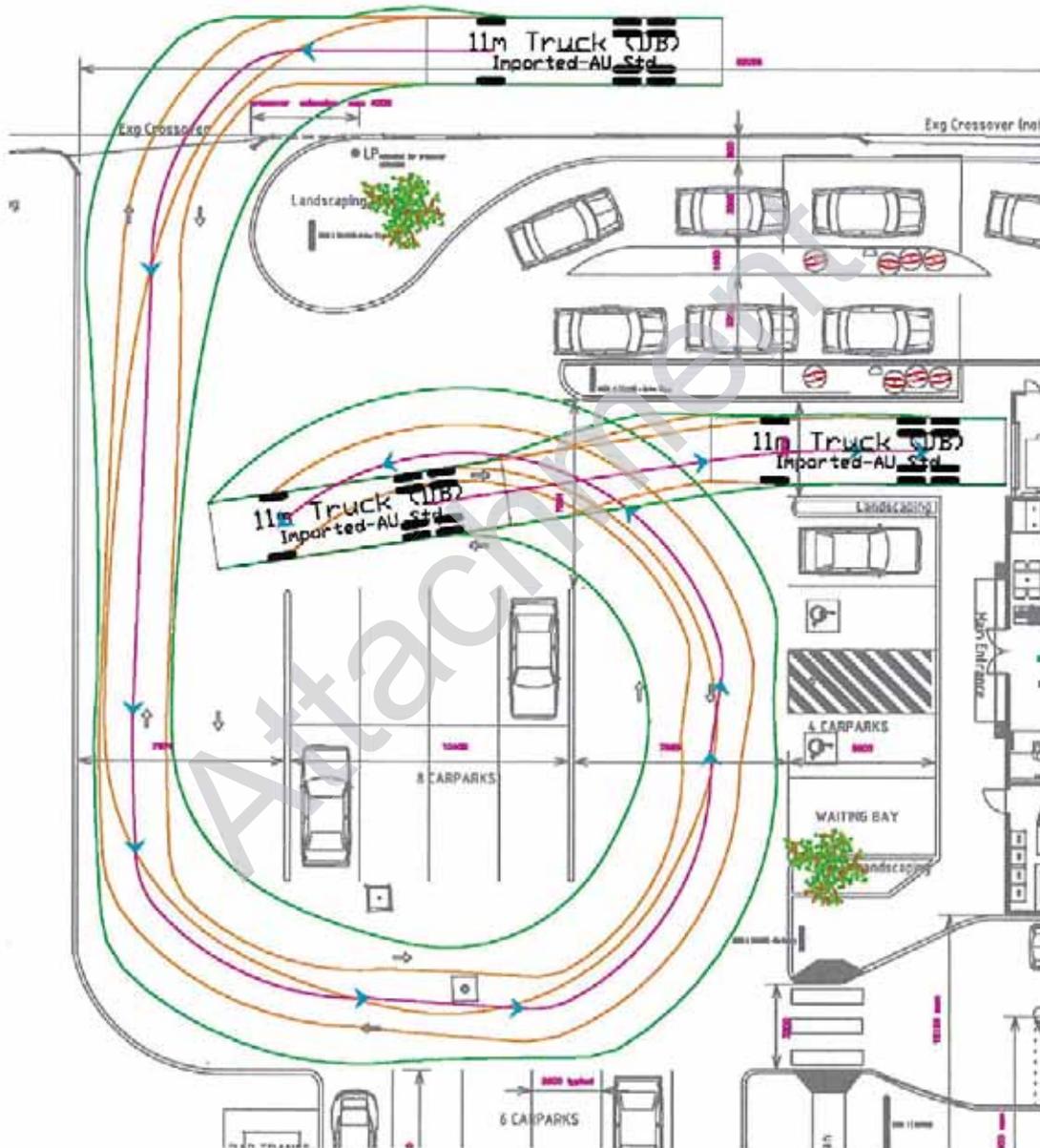


Figure 1: Swept path of 11 m rigid truck

15-0092
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4 SUMMARY

The proposed Hungry Jack's restaurant will provide adequate on-site parking and queuing area within the drive-through lane to satisfy the peak demands. The design of the off-street parking area and associated loading bay will satisfy the requirements of the relevant Australian Standards.

Drivers associated with deliveries and refuse collection will be able to enter/exit the site in a forward direction via the service road of Churchill Centre South.

The traffic generation associated with the proposal should have been accounted for during the whole of site assessment of the Churchill Centre South development. Therefore, the forecast traffic generation associated with the site should be readily accommodated at the signalised intersection of Churchill Road and the service road and the adjacent road network.

Yours sincerely,
MFY PTY LTD

A handwritten signature in black ink, appearing to read 'David Kwong'.

DAVID KWONG
Associate

Attachment

In reply please quote 2015/00161/01, Process ID: 336810
 Enquiries to Matthew Henderson
 Telephone (08) 8226 8388
 Facsimile (08) 8226 8330
 E-mail dpti.luc@sa.gov.au



Government of South Australia

Department of Planning,
 Transport and Infrastructure

**SAFETY AND SERVICE
 DIVISION**

GPO Box 1533
 Adelaide SA 5001

Telephone: 61 8 8226 8222
 Facsimile: 61 8 8226 8330

17/04/2015



Mr Scott McLuskey
 City of Prospect
 PO Box 171
 PROSPECT SA 5082

Dear Mr McLuskey,

SCHEDULE 8 - REFERRAL RESPONSE

Development No.	050/148/15
Applicant	Hungry Jacks Pty Ltd C/- Masterplan SA Pty Ltd
Location	3/252 Churchill Road, Prospect
Proposal	Shop (Hungry Jacks Restaurant)

I refer to the above development application forwarded to the Safety and Service Division of the Department of Planning, Transport and Infrastructure (DPTI) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*.

THE PROPOSAL

The application seeks approval for a fast food restaurant with drive through.

CONSIDERATION

The site is accessed via the internal circulation road associated with the Islington South development. Consistent with DA 050/403/10, all access to serve the pad sites associated with the Islington South development is via the internal circulation road and not direct to/from Churchill Road. The access to the internal circulation road from the proposed development will be via a single access located as far as possible from Churchill Road. Subsequently, DPTI does not object in-principle to the proposed access arrangements. The obsolete crossovers that have been installed in the kerbing of the internal circulation road should be reinstated to upright kerb and gutter at the applicant/property owner's cost.

It is noted that the development will result in vehicles using the drive through facility travelling counter-flow to the adjacent lanes of traffic on Churchill Road and the adjacent signalised access point. This has the potential to impact the safety of Churchill Road particularly at night or in low-light conditions through headlight glare confusing or impairing driver vision on Churchill Road and the internal circulation road.

It is noted that landscaping is proposed adjacent to the circulation road and drive through facility. In order to ensure that light spill from vehicle headlights is minimised, this landscaping should reach a mature height of at least 1.0 metres. Advanced growing species should be selected to ensure sufficient coverage at this early stage. DPTI recommends an ongoing maintenance program be included as a condition to mitigate any road safety issues over the long term.

Should there not be sufficient space to accommodate landscaping at any point between the drive through lanes and Churchill Road or the internal circulation road, permanent screening should be erected in lieu of/to supplement any landscaping. The landscaping and/or screening should form an integral component of the development and be completely installed prior to the operation of the business.

DPTI has reviewed the location of the illuminated pylon sign and is satisfied that the proposed sign is unlikely to result in detrimental impacts upon the adjacent signalised intersection, subject to the conditions provided herein being applied in any approval and adhered to.

CONCLUSION

In principle, no objections are raised to the proposed development subject to conditions.

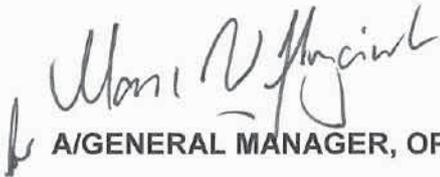
ADVICE

The planning authority is advised to attach the following conditions to any approval:

1. Access shall be gained via the internal road of the Islington South development. Direct vehicular access to/from Churchill Road shall not be permitted.
2. The largest vehicle permitted to enter the site shall be an 11 metre long rigid truck as per the MFY Parking and Traffic Assessment dated 8 April 2015.
3. Delivery vehicle movements and refuse collection shall occur outside of the peak period associated with the restaurant and drive through facility.
4. The parking areas shall conform to AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
5. All vehicles shall enter and exit the site in a forward direction.
6. Landscaping and/or screens to prevent headlight glare from the drive through facility and vehicle circulation areas affecting traffic on Churchill Road and the internal access road adjacent to the signals shall be installed prior to the operation of the business. Advanced growing species of vegetation shall be selected to ensure sufficient coverage.
7. A landscape management program shall be developed to ensure the landscaping is fit for purpose for the life of the proposed development.
8. Any screening shall be maintained in good condition at all times and be repaired if required in a timely manner at the applicant's cost.
9. The proposed signs may use LED lighting for internal illumination of a light box only.

10. No element of LED or LCD display shall be included in the design of any sign visible to motorists on Churchill Road.
11. The signs shall be limited to a low level of illumination (i.e. less than 200cd/m²) so as to minimise distraction to motorists.
12. The signs shall not contain any element that flashes, scrolls, moves or changes.
13. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
14. No stormwater from this development is permitted to discharge on-surface to Churchill Road. In addition, any existing drainage of the road shall be accommodated by the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the developer.

Yours sincerely,



A/GENERAL MANAGER, OPERATIONAL SERVICES

For **COMMISSIONER OF HIGHWAYS**

A copy of the decision notification form should be forwarded to dpti.developmentapplications@sa.gov.au

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AGENDA ITEM: 5.3

To: Development Assessment Panel (DAP) on 11 May 2015

From: Scott McLuskey, Senior Development Officer Planning

Proposal: Four Storey Residential Flat Building comprising 24 Dwellings with Associated Car and Bicycle Parking and Landscaping (DA 050/345/2014)

Address: 227-229 Prospect Road Prospect (CT 5240/49)

SUMMARY:

Applicant: Vartzokas Architects Pty Ltd

Planning Authority: Council

Referrals (Schedule 8): Department for Planning, Transport and Infrastructure

Public Notification: Category 1

Representations: Not applicable

Respondent: Not applicable

Development Plan Version: Consolidated 31 October 2013

Zone and Policy Area: Urban Corridor Zone (Transit Living Policy Area)

Issues: Car Parking,

Recommendation: **Approval, subject to conditions and reserved matters**

1. EXECUTIVE SUMMARY

- 1.1 A four storey apartment building, comprising 24 two bedroom dwellings (three of which would be disabled compliant), 29 parking spaces and 16 bicycle spaces, is proposed at the key gateway intersection of Prospect and Regency Roads (227-229 Prospect Road Prospect).
- 1.2 The proposal is a Category 1 development and therefore was not publicly notified and was referred to the Department of Planning, Transport and Infrastructure, who initially required changes to the proposal, but subsequently indicated their support subject to conditions. The design review concluded that the presentation of the building sets a good example for subsequent development but would benefit from further consideration with relation to energy efficiency.
- 1.3 The proposal provides suitable occupant amenity and private open space, provides a high level of visual interest which is critical for this high profile site and responds well to any concerns relating to its scale. Car and bicycle parking would be appropriately catered for on-site, while overlooking and overshadowing impacts would be addressed suitably in the context of the zone. The efficiency of mechanical heating and cooling services would be reserved for further consideration. The proposal therefore warrants development plan consent.

2. LOCALITY AND SUBJECT LAND

2.1 Locality

- 2.1.1 The locality comprises a mix of residential and commercial land uses incorporating dwellings, warehousing, offices, shops and a reserve to the north-west of the subject land. It is noted that the Prospect Road locality comprises mainly commercial uses, while Regency Road features a balanced mix of commercial and residential properties.
- 2.1.2 Residential development within the nearby area features a mix of original, low density dwellings and newer medium density dwellings of two storey construction. The site is located at the intersection of two substantial arterial roads, resulting in considerable noise intrusion from vehicles.
- 2.1.3 The broader locality, indicating the location of the subject land within the relevant Zone and Policy Area as described in Council's Development Plan is described in **Attachment 1**. Photographs of nearby properties are included at **Attachments 2-4**. It is noted that the southern adjoining property has been cleared in anticipation of future development, with development plan consent having been granted for 5 two storey dwellings (noting that indications have been given that this consent may not be acted upon).

2.2 Subject Land

- 2.2.1 The subject land is located on the south-eastern corner of the intersection of Prospect Road and Regency Road. The land comprises one allotment with a total area of 1270m², with a frontage of approximately 36m to Prospect Road and 29m to Regency Road. It is noteworthy that the usable area of the land is reduced by 280m² as a result of road widening requirements imposed by the Department of Planning, Transport and Infrastructure. The land slopes substantially from east to west to a difference of approximately 2 metres in height.
- 2.2.2 Existing site improvements include an office building to the south-eastern corner of the land, a freestanding advertising display and ancillary fencing and lighting to the Prospect and Regency Road frontages of the site. Existing vegetation is limited with much of the site bitumen sealed. No significant trees are on the subject land or within close proximity on adjoining allotments. The subject land is illustrated on **Attachment 5**. Photographs of the subject land are also include for the DAP's reference (refer **Attachment 6**).

3. PROPOSAL

- 3.1 The proposal comprises the construction of a four storey residential flat building incorporating 24 two-bedroom dwellings, three of which would be disabled compliant. 29 car parking spaces and 16 bicycle (including two scooter) parking spaces would be provided at ground level, along with a refuse area, entry foyer, fire exit and landscaping areas forward of the building.
- 3.2 The proposal plans are attached (refer **Attachments 7-8**).

4. **REFERRALS**

4.1 **Internal (Advisory) Referrals**

4.1.1 An emphasis on high quality building and landscape design, with consideration of urban design principles is a fundamental component of any new development within the Urban Corridor. Accordingly, the proposal was referred to Mr Julian Rutt of Lumen Studio for informal design review in accordance with Council's Design Review Process for Higher Density Development (refer **Attachments 9-11**).

4.1.2 Briefly, the review identified the following:

- The design language is coherent, modern and employs appropriate materials, setting a good example for development in the area. Facades feature significant visual interest and represent a sound response to a prominent corner site.
- While the building makes reasonable use of ideal solar orientation, several internal bedrooms will rely solely on borrowed light from internal spaces. Further, limited opportunities are available for cross-ventilation. Given this, Council may wish to seek further information on mechanical systems and solar energy capture.
- The limited setback of the building results in a limited scope for notable landscape plantings. While passive surveillance is aided by the corner pedestrian entry point and balcony orientations, the angled driveway accesses may encourage higher speed, and hence less safe, vehicle/pedestrian interactions on footpaths.

4.2 **External (Legislated) Referrals**

4.2.1 The proposal was referred to the Department for Planning, Transport and Infrastructure as required by Schedule 8 of the Development Regulations 2008. Pursuant to this Schedule, DPTI has the ability to direct Council in relation to some elements and the ability to make comment in regard to other elements. Their responses are attached (**Attachments 12-16 and 17-18**), as are the original plans considered by the DPTI (**Attachments 19-21**).

4.2.2 As the proposal is within a prescribed distance of an area possibly required for road widening purposes, DPTI has the power of direction in relation to building works within the prescribed distance. To this end, the DPTI requested in its original response that the building be setback 4.5m from both the Regency and Prospect Road boundaries of the site. The DPTI indicated satisfaction with the amended plans.

4.2.3 Council must also have regard to the comments of DPTI in relation to the proposed access and egress points to Regency and Prospect Roads. The DPTI indicated that it wished to see one-way traffic flow through the site, with ingress from Regency Road and egress to Prospect Road. Further, the DPTI wished to see both access points flared as close to a 70° angle as possible, noting that this would result in impacts to car parking provision on site.

4.2.4 The DPTI have indicated that they are not opposed to the proposal in its amended form. The DPTI have directed that Council impose certain conditions if approval is granted and have recommended the imposition of others.

4.2.5 No other consultation with agencies was required.

5. PUBLIC NOTIFICATION

- 5.1 The application is a Category 1 form of development pursuant to Section 38 of the *Development Act 1993*, Schedule 9 of the *Development Regulations 2008* and Urban Corridor Zone Principle of Development Control 22.
- 5.2 A residential flat building is a Category 1 development unless it is located on land adjacent to the Residential Zone or Historic (Conservation) Zone, it would be three or more storeys (or 11.5 metres or more in height) and it would exceed the 'Building Envelope - Interface Height Provisions' (UCZ PDC 22).
- 5.3 The subject land is not located adjacent either the Residential Zone or the Historic (Conservation) Zone (refer Attachment 1), nor would the building exceed the interface height provisions, so is a Category 1 form of development for which no public notification is undertaken.

6. PLANNING COMMENTARY

- 6.1 The application involves building work and therefore an application to Council is required. The proposal is neither a complying nor a non-complying development with reference to Principles of Development Control 20 and 21 of the Urban Corridor Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.
- 6.2 Pursuant to Section 35(2) of the *Development Act 1993*, a development that is assessed by the Council as being seriously at variance with the Development Plan must not be granted consent. To this end, the Panel must determine whether the proposal is seriously at variance with the Development Plan prior to making a decision on the application.

7. PLANNING ASSESSMENT

7.1 Land Use

- 7.1.1 It is anticipated that development within the Urban Corridor Zone would enable a high quality mixed use urban environment that contributes to the economic vitality of the City of Prospect by increasing the density of housing, as well as the number and the diversity of businesses and other services offered to residents and the wider community (UCZ Desired Character Statement).
- 7.1.2 The above is reiterated by the following Objectives of the Urban Corridor Zone:
- Objective 1:** *A mixed use zone accommodating a range of compatible non-residential and medium and high density residential land uses orientated towards a high frequency public transport corridor.*
- Objective 2:** *Integrated, mixed use, medium and high rise buildings with ground floor uses that create active and vibrant streets with residential and commercial development above.*
- Objective 3:** *A mix of land uses that enable people to work, shop and access a range of services close to home.*
- 7.1.3 Furthermore PDC 1 of the zone outlines the types of development, or a combination thereof, which are envisaged within the Zone. A residential flat building is one of the types of development listed, therefore the proposal is considered to be an appropriate type of development and is supported from a land use perspective.

7.2 Site Density

- 7.2.1 The Transit Living Policy Area anticipates medium and high density housing. This would primarily be in the form of apartment and terrace style dwellings along with mixed-use buildings to accommodate a diversity of dwelling types within the precinct. In order to achieve this, the minimum residential site density for residential development within the Transit Living Policy Area is 45 dwellings per hectare net (UCZ PDC 5).
- 7.2.2 The subject site has a usable area of 980m² and the minimum net residential site density would therefore be achieved through the provision of 5 dwellings. The proposal is for 24 dwellings within the residential flat building, thereby comfortably satisfying the desired minimum density for new development. The dwelling density is therefore supported.

7.3 Site contamination and remediation

- 7.3.1 The proposed development seeks to establish a more sensitive land use upon the site than that which has historically existed. It is noted that the previous use of the subject land is unlikely to have resulted in contamination of the land, particularly given that the surface of the land is almost entirely sealed and this has been the case for well over 20 years.
- 7.3.2 Generally, development should not proceed until site contamination has been adequately assessed and managed to ensure that the site is fit for the proposed use (Council Wide PDC 129). Based on the design/layout of the proposed development, including the extent of excavation and sealed surfaces at ground level of the building, it is expected that any unanticipated site contamination will be intrinsically managed in an appropriate manner through construction practices.
- 7.3.3 In this instance, it is not considered necessary that further investigation into site contamination be undertaken, nor that additional remedial measures be undertaken.

7.4 Traffic and Vehicular Movements

- 7.4.1 It is anticipated that new developments will minimise the number of access points onto arterial roads, by providing vehicle access from side streets, rear access ways, via rights of way or common vehicle parking areas (UCZ PDC 11). Where this is not possible, development along arterial roads should rationalise the number of access points off arterial roads and provide sufficient on-site manoeuvring areas to enable all vehicles to enter and exit the site in a forward direction (Council Wide PDC 229).
- 7.4.2 The number, location and design of access points on public roads should be such as to minimise traffic hazards, queuing on roads, interference with the function of intersections and traffic control devices and intrusion of through traffic into adjacent residential streets (Council Wide PDC 210).
- 7.4.3 Access to the site would be entirely in accordance with the approach requested by the DPTI. This would entail a single width entry point to Regency Road and a single width egress point to Prospect Road, both of which would be flared at a 70° angle to the kerb line.
- 7.4.4 Sufficient areas would be provided on the site to ensure that all vehicles are capable of entering and exiting the site in a forward motion. The DPTI have recommended conditions that would ensure that the location of the access roller doors provide safe access and egress in accordance with the relevant Australian

Standard. It is anticipated that compliance with such conditions could be achieved.

- 7.4.5 With reference to the advice of the DPTI, it is concluded that the proposed access arrangements provide for safe and convenient vehicle movement, and satisfactorily respond to the relevant provisions of the Development Plan.

7.5 Design and Appearance

- 7.5.1 It is anticipated that development within the Urban Corridor Zone would achieve a high standard of architectural design through careful building articulation and fenestration to all visible sides. Building facades should involve the careful use of a diversity of building materials to create a high quality building appearance.
- 7.5.2 Building heights and residential densities would increase within the area shown by Concept Plan Fig UrC/4, within which buildings should be a minimum of three storeys and a maximum of four storeys. Further, setbacks to Prospect and Regency Roads would reduce to emphasise the importance of this precinct. The ground floor of buildings would abut the footpath, while balconies overlooking the streets are encouraged to provide passive surveillance (UCZ TLPA Desired Character Statement).
- 7.5.3 The proposed building would be four storeys and achieve a maximum height of 14.3m above natural ground level. It would incorporate vertical and horizontal articulated features that utilise physical recession, colour and material contrasts to provide a modern design with an appropriate level of visual interest. While the building would generally abut the anticipated future footpath at ground level, landscaping and building articulation around the corner entry area represent an appropriate design outcome for the intervening period.
- 7.5.4 Northern and western facades would feature a substantial number of window openings and sizeable balconies, incorporating cohesive material variations to walls and balcony balustrades. The eastern façade is not highly articulated, but would utilise varied materials and finishes in concert with indentation to provide visual relief to its mass. The southern façade of the building would feature substantial balconies, high levels of fenestration and building articulation that follows the slope of the land.
- 7.5.5 While not entirely in accordance with the desired minimum setbacks (as set out in 6.6), the building has been designed to respond appropriately to the desirable outcomes relating to building massing, natural ventilation and sunlight penetration on what is a rather constrained site.
- 7.5.6 The external building materials and finishes have been designed to ensure an appropriate interface between the public and private realms. It is also considered that the architectural features of the proposed building, in combination with the diversity of materials and finishes would provide an appropriate level of visual interest and a high quality built form. The external form and presentation of the building is therefore supported. To ensure a high quality built outcome for the proposal, conditions reinforcing key design elements are recommended.

7.6 Setbacks

- 7.6.1 Within the Transit Living Policy Area, the minimum setback from the primary road is 3m unless varied by the Concept Plans within Council's Development Plan. Within the area described by Concept Plan Fig UrC/4, it is desirable that buildings not be setback from their Prospect and Regency Road boundaries.

- 7.6.2 For allotments with a frontage width of 20 metres or less, there is no minimum setback for the first 2 levels of a building from a side boundary when adjoining another allotment, while a minimum 2m setback is required for all levels above this height (UCZ PDC 16 and 18).
- 7.6.3 While the building would generally abut the anticipated future footpath at ground level, minor setbacks for landscaping and building articulation around the corner entry area represent an appropriate design outcome. Given the advice of the DPTI, setbacks have been considered against the future boundary of the site following the excise of land for road widening purposes as described on the proposal plans.
- 7.6.4 At all floors above ground level the building would be setback 2.5m from the northern boundary of the site. The eastern wall of the building would be located on the boundary or setback 1.5m, while the western wall would vary between being located on the boundary or setback up to 3.8m.
- 7.6.5 The southern boundary would vary in setback distance from 2m to the east of the site, to 4m towards the west of the site. Balconies would protrude forward of these setbacks to the northern and southern facades of the building, and would abut the western boundary of the site.
- 7.6.6 Intrusions within the 2m desirable setback distance to the southern boundary of the site would be limited to balconies and their associated balustrades. These balconies would follow the line of the wall, progressively stepping further from the southern boundary of the site as the height of the building increases above natural ground level. The entire eastern façade of the building would be within the 3m desirable setback distance to the eastern boundary of the site.
- 7.6.7 It is noted the both adjoining southern and eastern properties are within the Transit Living Policy Area of the Urban Corridor Zone. Both are therefore suitable for medium-high density development by which the first two floors of buildings on both sites may be constructed to the boundary of the subject land. It is also noted that the adjoining land to the east is notably higher in floor level than the subject land. A future application on this site may very well entail a two storey wall that is 75% of the total wall height of the presently proposed building. It is noted that this adjoining property features extensive garaging to this boundary, though also features solar panels on the existing dwelling that are likely to be impacted in winter afternoons and late summer afternoons (approximately 5pm onwards).
- 7.6.8 While the proposal would not meet all relevant desirable setbacks, design features have been used to effectively break down the mass of these building facades, and the nature of development desirable on adjacent allotments is commensurate with the scale of the present proposal. While not entirely desirable, these departures of themselves would not warrant refusal of the application. The siting of the proposed building on the land is therefore supported.

7.7 Energy Conservation Measures

- 7.7.1 It is desired that all dwellings provide adequate thermal comfort for occupants through passive design features such as orientation of windows, living areas and private open space, and cross-ventilation (Council-wide PDC 79).
- 7.7.2 It is anticipated that heating and cooling would be via individual gas hot water systems and air-conditioning units, which would be screened and located on the roof of the building. As identified in the design review, while some dwellings would be well-orientated, others will be greatly reliant upon mechanical heating and cooling.

7.7.3 Consequently, it is recommended that further consideration of mechanical services, water re-use and solar energy capture occur, and that this consideration be reserved for further assessment and approval by Council. It is anticipated that the design of these features would not result in changes to the layout or appearance of the building.

7.8 Noise Attenuation

7.8.1 It is anticipated that noise and air quality impacts should be mitigated through appropriate building design and orientation (UCZ Objective 1). Residential development on sites abutting roads with traffic volumes exceeding 3000 vehicles per day should be sited and designed to reduce the impact of traffic noise on occupants. Further, residential buildings should feature adequate separation between the habitable room windows and balconies of other buildings (Council Wide PDCS 111 and 161).

7.8.2 In addition to the above, the subject land is identified with Map Pr/1 (Overlay 5) for the purpose of noise and air emissions. It is outlined by PDC 1 of the Noise and Air Emissions Overlay that sensitive development located adjacent to high noise and/or air pollution sources should be additionally protected from these additional potential impacts.

7.8.3 It is also desirable that attached dwellings are designed to minimise the transmission of sound between dwellings, particularly between living areas and bedrooms (Council-wide PDC 93). To this end, it is noted that the layout of each dwelling does not naturally separate bedrooms from abutting living areas of adjoining dwellings.

7.8.4 The construction of the building would be undertaken in accordance with the Ministers Specification SA78B – Construction requirements for the control of external sound. Compliance with the Minister’s Specification would be required as part of the Building Code of Australia (BCA). This notwithstanding, the layout of dwellings necessitates further assessment of internal walls to ensure an appropriate level of occupier comfort for all apartments.

7.8.5 To this end it is recommended that consideration of noise attenuation and the provision of acoustic engineering advice for both internal and external noise sources be reserved for further assessment and approval by Council.

7.9 Private open space provision

7.9.1 Private open space should be provided for each dwelling and should be located so that it is accessible directly from internal living areas (Council Wide PDC 148). Private open space areas located above ground level should have a minimum width of 2 metres and be directly accessible from a habitable room (Council-wide PDC 153). One bedroom dwellings should have a minimum of 8m², while two bedroom dwellings should have a minimum of 11m² (Council Wide PDC 152).

7.9.2 All of the proposed dwellings would provide two bedrooms. Apartments 104, 204 and 304 would be provided with 8m² of private open space and apartments 105, 205 and 305 would be provided with 10m² of private open space. These would be below the desired minimum area for two bedroom dwellings.

7.9.3 Apartments 106, 206 and 306 would be provided with 12.5m² of private open space, while apartments 107, 207 and 307 would be provided with 15m² of private open space. Each would achieve the desired minimum area for two bedroom dwellings.

- 7.9.4 Apartments 108, 208 and 308 would be provided with 32m² of private open space, while apartments 101-103, 201-203, and 301-303 would be provided with approximately 22m² of private open space. Each would achieve substantially more than the desired minimum area for two bedroom dwellings.
- 7.9.5 All primary areas of private open space are directly accessible from and well integrated with living areas. It is also noted that all balconies would feature a 2m minimum dimension, with 21 of the 24 apartment balconies featuring a 2.5m minimum dimension.
- 7.9.6 The proposal would not provide 11m² of private open space in all instances, with 6 of the 24 apartments featuring either 8m² or 10m². A wide range of balcony sizes, layouts and orientations would be provided within the building, many of which would be substantially in excess of the 11m² desirable minimum, providing diversity for prospective purchasers. Given this, the departure from the relevant principles is relatively minor in nature and the provision of balconies is supported in its current form.

7.10 Car Parking and Bicycle Parking

- 7.10.1 Within the Urban Corridor Zone, it is anticipated that the provision of car and bicycle parking would be in accordance with Tables Pr/5 and Pr/6 of Council's Development Plan. It is also anticipated that on-site vehicle parking would not be visible from the primary street frontage through the use of design solutions such as locating parking areas behind the front building façade and screening undercroft parking areas with landscaping and articulated screening (UCZ Desired Character Statement).
- 7.10.2 Table Pr/6 outlines an anticipated demand of one bicycle park for every four dwellings, and one bicycle park for visitors for every ten dwellings. Therefore 9 bicycle parks should be provided.
- 7.10.3 With regard to the provision of car parking, 1 car parking space is desired for each 2 bedroom dwelling. An additional 0.25 spaces is desired per dwelling for visitor parking. Consequently, the anticipated car parking rate for the 24 dwellings would be 30 car parking spaces, comprised of 24 for occupants and 6 for visitor parking.
- 7.10.4 In total, 29 car parking spaces and opportunities for up to 16 bicycle (or scooter) parking spaces would be provided. It is noted that two of the car parking spaces would be disabled parking spaces in accordance with the relevant Australian Standard. Visitor car parking would be located conveniently adjacent the ingress point, while disabled car parking would be adjacent the foyer. Bicycle and scooter parking areas would be divided such that the majority are adjacent the foyer with additional spaces adjacent the ingress point.
- 7.10.5 It is anticipated that the additional supply of bicycle and scooter parking will offset the minor shortfall in car parking provided on-site and the proposed configuration is therefore supported.

7.11 Stormwater Management

- 7.11.1 The provisions of Council's Development Plan suggest that site drainage should be designed to safely direct surplus flows to a public street without causing harm to adjoining properties (Council Wide PDC 97) and that all proposed developments should be designed to retain as much stormwater as possible, minimising the overflow to the kerb and water table (Council Wide PDC 98).

7.11.2 While a detailed stormwater management plan was prepared for the original proposal, a revised stormwater management plan is yet to be finalised. Given that the proposal will result in a notable increase in stormwater run-off from the subject land, it is appropriate that Council receive and assess such a plan.

7.11.3 To this end, it is recommended that the consideration of the stormwater design be reserved for further assessment and approval by Council. It is anticipated, particularly given the original civil engineering considerations for the site, that this design would not result in changes to the layout or appearance of the building.

7.12 Waste Management

7.12.1 It is anticipated that new development would enable waste management options that provide adequate storage while screening these areas from public view. The design of driveway crossovers, parking areas, accessways and elements that interact with the public realm should also safely and efficiently accommodate the collection of waste and recycling materials.

7.12.2 Additionally, new developments should provide a dedicated area for the on-site storage, collection and sorting of recyclable materials and waste that is safe and convenient (Council Wide PDC 147, 169 and 170).

7.12.3 A communal waste system would be available for the provision of waste, green waste and recycling within an appropriately sized designated area of the car park, though its management methodology is not described by the proposal plans. The proposed waste storage area would be 30m² in floor area. It is anticipated that this area will be capable of housing bins with an appropriate collective storage capacity.

7.12.4 It is recommended that the consideration of the waste management plan be reserved for further assessment and approval by Council. It is recommended that the applicant be guided by way of advisory note to the quantitative requirements of the Adelaide City Council Development Plan for medium-high density residential developments in considering the overall waste storage capacity. It is anticipated that this would not result in changes to the layout or appearance of the building. As such, while waste management has yet to be satisfactorily addressed, this is not fatal to the application.

7.13 Overshadowing

7.13.1 Generally, the design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space areas while minimising the overshadowing of windows of main internal living areas, upper-level private balconies that provide the primary open space area for a dwelling and solar collectors (Council-wide PDC 138).

7.13.2 The subject site, along with properties directly east and south of the subject site, is identified to be developed at a greater intensity than that of the existing built form. It is noteworthy that the adjacent southern site is presently vacant in anticipation of a future development.

7.13.3 Given that the subject site is not located adjacent a different zone, the overshadowing provisions that apply generally within the Council are less relevant to the proposed development. It is anticipated that the overshadowing impact would be consistent with that expected for new development in the Urban Corridor Zone.

7.14 Visual Privacy

- 7.14.1 It is anticipated that a variety of measures should be used to minimise direct overlooking into adjacent internal living and private open space areas. Such measures should be integrated into the overall building design and should have minimal negative effect on the amenity enjoyed by the occupants of neighbouring dwellings (Council Wide PDC 139).
- 7.14.2 It is noted that the commonly used 1.7m and 1.8m high privacy screens for windows and balconies referred to in Council Wide PDC 90 are specifically excluded for buildings that are three or more storeys in height in the Urban Corridor Zone.
- 7.14.3 Notwithstanding this, the proposal would feature 1.5m high screening to balconies on the southern facade of the building. It can be anticipated that future development on the adjoining allotments may adopt a relatively similar approach and would be similarly capable of screening its northern facade without impact to the internal amenity enjoyed by occupants.
- 7.14.4 Given the above, and the anticipated development of the presently vacant adjoining allotment, no unreasonable privacy impacts upon adjacent properties or future occupants of the proposed building are anticipated.

8. CONCLUSION

- 8.1 The proposal seeks to establish a medium to high density residential land use on the subject land. The building would be four storeys in height, which is the maximum height anticipated by Council's Development Plan for this site. Given the topography of the site, from the east the building would appear as considerably lower. The bold statement made with the building being the maximum height is appropriate for this key corner site.
- 8.2 The proposal would be generally consistent with the required setbacks, have adequate private open space, waste collection and thermal comforts in accordance with the Development Plan provisions. The floor plans proposed would provide functional and usable living spaces, and privacy and noise impacts would be moderated through good design and noise attenuation techniques. The design approach has also been supported by the Government Architect.
- 8.3 Vehicular ingress would be provided from Regency Road while egress would be provided to Prospect Road, with appropriate car and bicycle parking areas provided. The proposal would provide suitable security and visual privacy outcomes, with overshadowing impacts minimised.
- 8.4 Stormwater, waste management, noise amelioration and the heating and cooling mechanical services would be reserved for further consideration, with the proposal allowing sufficient area to ensure that the relevant management plans can achieve the relevant requirements of the Development Plan.
- 8.5 The application is therefore considered to be relatively consistent with the relevant provisions of the Prospect (City) Development Plan and warrants the granting of development plan consent, subject to the reserving of some matters for further assessment and appropriate conditions.

9. RECOMMENDATION

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/345/2014 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the *Development Act 1993*, as amended, Development Plan Consent be approved to DA 050/345/2014 from Vartzokas Architects Pty Ltd for a Four Storey Residential Flat Building comprising 24 Dwellings with Associated Car and Bicycle Parking, and Landscaping at 227-229 Prospect Road Prospect (CT 5240/49), subject to the following reserved matters, and draft conditions and notes that may be added to or altered following satisfactory resolution of reserved matters by Council administration:

Reserved Matters:

1. A detailed design of the stormwater management system by a suitably qualified civil engineer, including appropriate provisions for rainwater capture and reuse.
2. Detail on the methods to be used for ongoing general waste management, including the appropriate storage and collection of putrescible waste, green (organic) waste and recyclable materials.
3. An acoustic report from a qualified acoustic engineer shall be submitted to Council detailing any acoustic measures required to demonstrate that the proposal meets the requirements of the Development Plan with respect to Council Wide Principles of Development Control 92, 93 and 111.
4. Details of mechanical services; including relevant energy efficiency considerations, their location and screening. This should include details of any solar energy capture proposed.

Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/345/2014, except as modified by any conditions detailed herein. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation of the approved development.
2. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving, and be properly drained. The surfacing of the driveway and drainage shall be maintained to the reasonable satisfaction of Council thereafter.
3. The drainage system shall be designed, installed and maintained at all times thereafter to ensure that water from the site does not:
 - a) Flow or discharge onto adjoining properties;
 - b) Flow across the surface of footpaths or public ways;
 - c) Affect the stability of any building; or
 - d) Create unhealthy or dangerous conditions on the site or within any building.
4. The features and materials set out in Drawing Number 'PDA - 02' Dated 'FEB'15' approved herein are essential elements of the building and shall be established and maintained at all times to the reasonable satisfaction of Council. A schedule of colours and finishes for

these elements will be provided to the satisfaction of Council. These colours and finishes shall also be maintained at all times to the reasonable satisfaction of Council.

5. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of materials or goods including waste products and refuse.
6. Permanently fixed clotheslines shall not be permitted within 1.5m of the edge of each balcony.
7. To maximise the efficiency of waste recycling:
 - a) Provision shall be made for the separation of recyclable materials for collection and recycling, including paper, cardboard, glass and plastic containers, tins, and any other plastic that 'holds its shape';
 - b) Separate provision shall be made for the collection of food waste (food organics) and food-contaminated cardboard, paper or paper products, which are to be collected for composting; and
 - c) Paper attached to plastic, wax paper or chemically-treated/gloss cardboard will not be included with the materials collected for composting.
8. Service vehicle movements shall occur outside of the peak periods associated with the use approved herein and in any event shall not occur before 6am or after 9pm on any day.
9. The building must be maintained, kept tidy, free of graffiti and in good repair and condition at all times.
10. All car parking spaces must be line-marked in accordance with the approved plans and to comply with the Australian/New Zealand Standard for Parking Facilities (Part 1: Off-street Car Parking (AS/NZS 2890.1:2004) prior to occupation.
11. The surfacing of the car park, line marking and directional arrows shall be maintained to the reasonable satisfaction of Council at all times.
12. Driveways, parking and manoeuvring areas shall be lit in accordance with the Australian Standard for Lighting for Roads and Public Spaces (AS1158.1 and AS1158.3) during the hours of darkness that they are in use and accessible by the general public.
13. Wheel-stops or similar non-mountable devices shall be provided to each northern car park to prevent damage to the building.
14. Landscaping shall be provided in the areas described by the herein endorsed Ground Floor Plan. A substantial amount of landscaping shall be provided in the area described as Road Widening Policy by the herein endorsed Ground Floor Plan to the satisfaction of Council. Landscaping shall include low-lying shrubs and medium height trees (growing to minimum 4-6m height).
15. All landscaping areas shall be established and maintained at all times to the reasonable satisfaction of Council. The applicant or the persons for the time being making use of the subject land shall cultivate, tend and nurture the landscaping, and shall replace any landscaping that becomes diseased or dies. An automated drip irrigation or similar watering system shall be established and maintained to ensure that sufficient water is available to satisfy the needs of the landscaping species selected.
16. Air-conditioning units and solar hot water heaters shall be provided with screening devices designed to complement the colours, materials and finishes of the building approved herein, and shall be sited to adequately screen the units from view to the reasonable satisfaction of Council.

17. During construction of the development approved herein, measures will be implemented to ensure that the construction works do not result in an unreasonable impact on occupiers of adjacent properties or pollution of existing infrastructure through drag-out or stormwater runoff. Measures shall include as necessary:
- a) A hard surface and controlled washing zone at the entry/exit points to the site, designed to reduce the potential for mud and material dragged out by construction vehicles; and
 - b) Containment of stormwater run-off within the site, which if being discharged into the stormwater system will be filtered to the satisfaction of Council; and
 - c) Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment; and
 - d) The establishment of an appropriate storage compound for waste materials and litter. No building waste material shall be stored outside of the storage compound or similar industrial bin; and
 - e) All mechanical equipment shall be used in a manner to minimise the potential for noise pollution and ensure compliance with the requirements of the Environment Protection (Noise) Policy.
18. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths traversed by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works.

No obstruction of the footpath or roadway may occur without the prior permission of Council. For further advice, please contact Council's Infrastructure and Environment Department on 8269 5355.

19. To ensure compliance with applicable standards as described in the Environment Protection (Noise) Policy established under the Environment Protection Act, construction activities shall only take place between the hours of 7:00am and 7:00pm, Monday to Saturday inclusive, and not on Sundays or public holidays.

The following conditions are applied at the direction of the DPTI:

1. All building works and the at grade car park shall be set back clear of the 4.5 metres road widening requirements along the Prospect Road and Regency Road frontages of the site.
2. The cantilevered awnings located adjacent to the proposed main entry that extend into the 4.5 metre strip requirements shall be designed to be removable so that they can be removed or modified should DPTI need to install, erect and/or maintain infrastructure in this area. On the direction of the Commissioner of Highways, the awnings shall be removed or modified at no cost to the department.

The following conditions are applied at the recommendation of the DPTI:

1. The access points to Regency Road and Prospect Road shall be constructed in accordance with Vartzokas Architects Pty Ltd, Sheet 1 Floor Plans, Job No. A213-464, Drawing No. PDA – 02, Plotted 25/2/15, dated FEB'15.
2. All access shall be gained via a one-way flow through the site with ingress movements (left in only) via Regency Road and egress movements (left out only) via Prospect Road only.
3. The access point/s shall be angled at 70 degrees to the kerb line and be appropriately signed and line marked in order to reinforce the desired traffic flow.
4. The ingress roller door shall be setback to maximise vehicular storage clear of the road widening strip.
5. The egress roller door shall be designed in accordance with AS/NZS2890.1:2004 Figure 3.3 Minimum Sight Lines For Pedestrian Safety.
6. All vehicles shall enter and exit the site in a forward direction.
7. Refuse collection shall be undertaken within private property and ensure vehicular movements through the car park are not impeded during collection times.
8. The Regency Road and Prospect Road crossovers shall provide a minimum of 1.0 metre separation from all roadside infrastructure.
9. Any portions of redundant crossover shall be closed and reinstated to Council's satisfaction at the applicant's cost prior to the habitation of any dwellings.
10. All bicycle facilities shall be designed in accordance with AS2890.3:1993 - Bicycle parking facilities.
11. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Regency and Prospect Roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Advisory Notes:

- (1) Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

- (2) The development plan consent granted herein is effective for a period of twelve (12) months from the date of the decision. Unless Council extends this period, building rules consent is required within this time or the consent will lapse.

Any request for an extension of the operative period of the consent must be submitted to Council in writing, accompanied by the applicable fee.

- (3) Further application pursuant to the Local Government Act shall be made to the Infrastructure Assets and Environment Department for the proposed crossover prior to construction activities occurring.

Road/Kerbing/Footpath Works will need to be inspected by an Assets and Infrastructure Officer to determine they have met all relevant requirements. All work including line marking will be the responsibility of the applicant as will the reinstatement of any damaged Infrastructure / Services related to these works. All works will be carried out at the cost to the applicant.

- (4) Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths traversed by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works.

No obstruction of the footpath or roadway may occur without the prior permission of Council. For further advice, please contact Council's Infrastructure and Environment Department on 8269 5355.

- (5) Prior to the commencement of construction of the development herein approved, it is strongly recommended that you employ the services of a licensed Land Surveyor to carry out an identification survey of the subject land and to peg the true boundaries, to ensure that building work will be either on the true boundaries or the specified distance from the true boundaries of the subject land, as the case may be.

Failure to correctly site the development on the land in accordance with the plans approved herein would constitute a breach of the *Development Act 1993*. Any amendments required to the approved plans as a result of the survey are to be submitted to Council for approval prior to works commencing.

- (6) You are encouraged to consult with adjoining property owners before commencing any work, to assist in minimising nuisance or inconvenience caused during construction.

- (7) You are required to give formal notification to, and consult with, the adjoining property owner if you are removing, replacing or altering an existing fence or building a freestanding wall along the common boundary that would, for all purposes, be a dividing fence (Section 5 of the *Fences Act 1975*).

- (8) If you (the building owner) are undertaking building work that affects the stability of other land or premises, namely:

- an excavation which intersects a notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point 600mm below natural ground level at a boundary with an adjoining site (as depicted in figure 1); or
- an excavation which intersects any notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point at natural ground level at any boundary between 2 sites (not being a boundary with the site of the excavation), where the boundary is within a distance equal to twice the depth of the excavation (as depicted in figure 2); or
- any fill which is within 600mm of an adjoining site, other than where the fill is not greater than 200 millimetres in depth (or height) and is for landscaping, gardening or other similar purposes;

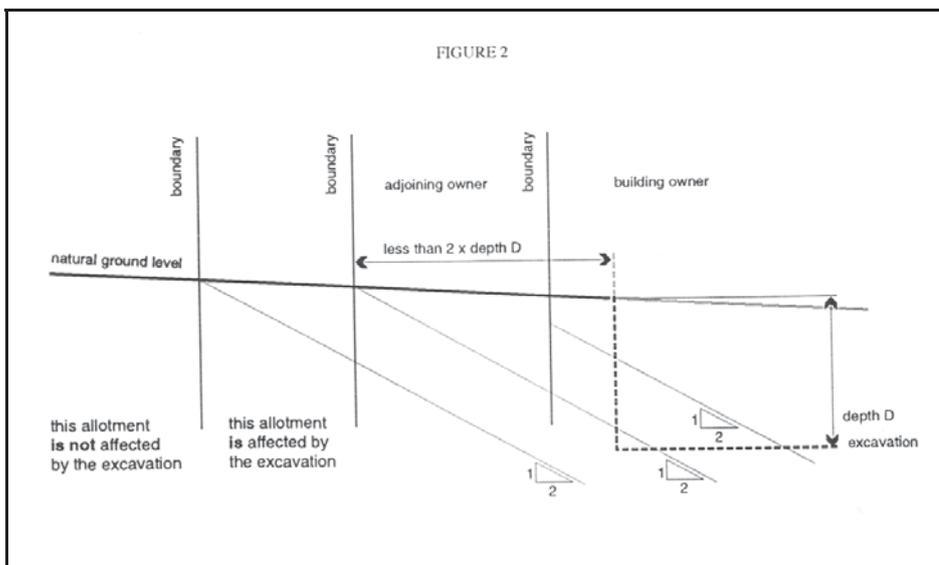
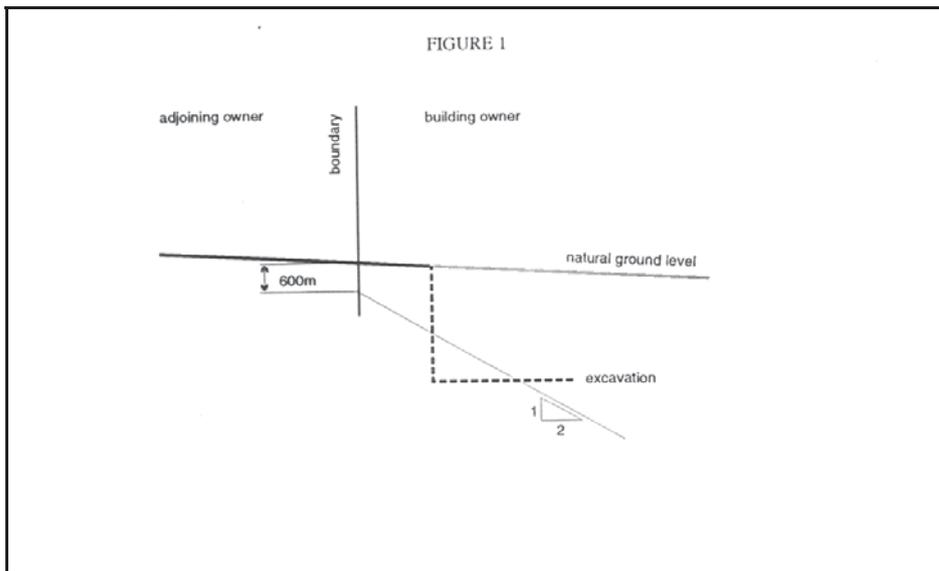
Then you (the building owner) must, at least 28 days before the building work is commenced:

- a) serve on the owner of the affected land or premises a notice of intention to perform the building work and describing the nature of that work; and

b) you must take such precautions as may be prescribed to protect the affected land or premises and must, at the request of the owner of the affected land or premises, carry out such other building work in relation to that land or premises as that adjoining owner is authorised by the regulations to require.

If you fail to comply with these notification requirements, then you are guilty of an offence with a maximum penalty of \$10 000.

You may apply to the Court for a determination of what proportion (if any) of the expense incurred by you in the performance of the building work requested by the owner of affected land or premises (under subsection (b) above) should be borne by the owner of that land or premises, and you may recover an amount determined by the Court from the owner of the affected land or premises as a debt.



(9) The following notes provide important information for the benefit of the applicant and are required to be included in any approval:

- i. The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Prospect Road and Regency Road frontages of this site for the future upgrading of the Prospect Road / Regency Road intersection, together with a corner cut-off. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.

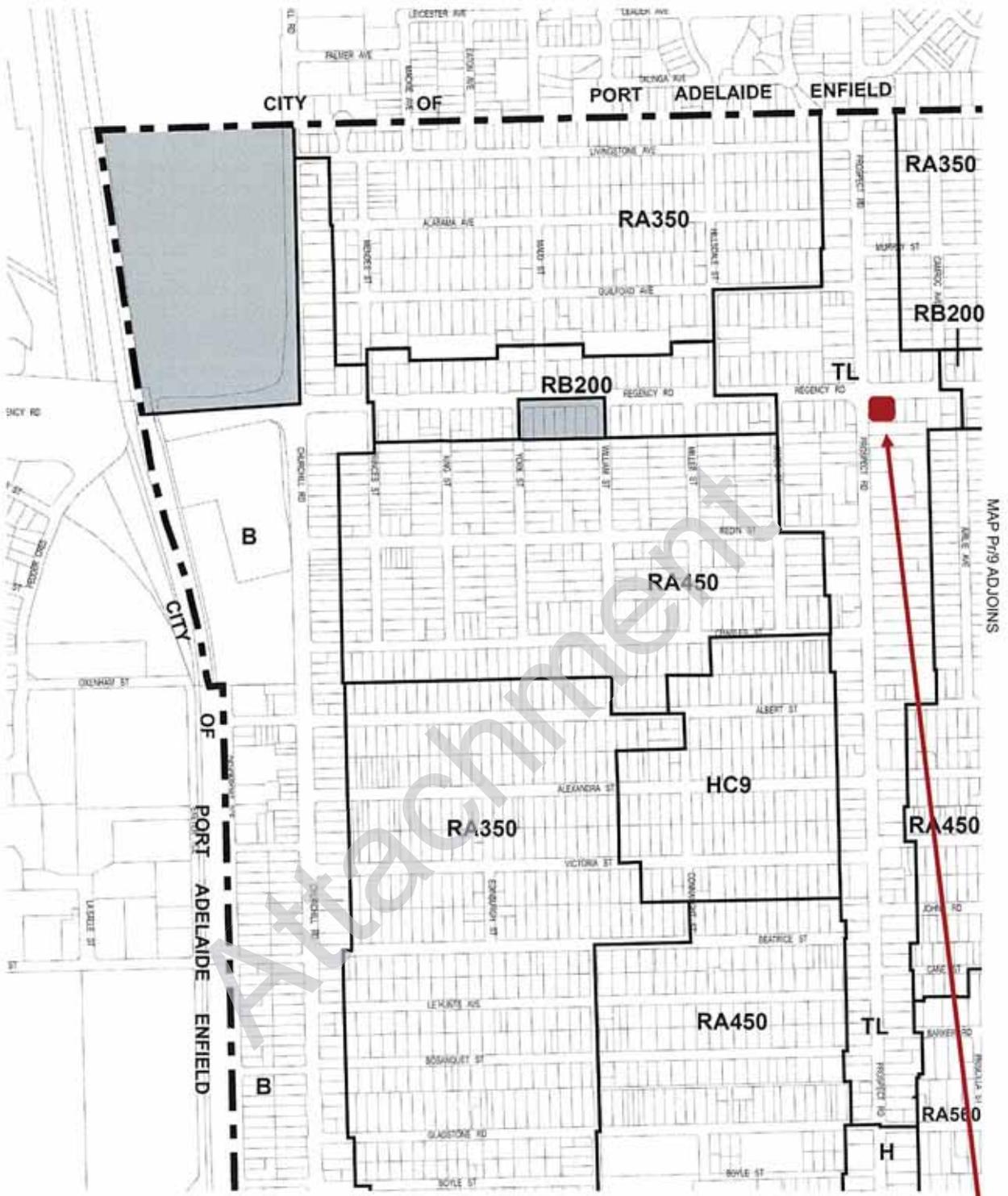
Subsequently, should Council approve the application in its current form, the applicant should fill out the attached consent form and return it to DPTI with 3 copies of the approved plans.

- ii. Any future signage applications should be designed in accordance with DPTI "Advertising Signs - Assessment Guidelines for Road Safety" (August 2014). The document is available via the following link:

http://www.dpti.sa.gov.au/_data/assets/pdf_file/0019/145333/DPTI-Advertising-Signs-Assessment-Guidelines.pdf



Scott McLuskey
Senior Development Officer Planning



- RA560 Residential Policy Area A650
- RA450 Residential Policy Area A450
- RA350 Residential Policy Area A350
- RB200 Residential Policy Area B200
- TL Transit Living Policy Area
- B Boulevard Policy Area
- H High Street Policy Area
- HC9 Historic Conservation Area 9 Policy Area
- Policy Area Boundary
- - - Development Plan Boundary
- Area not covered by Policy

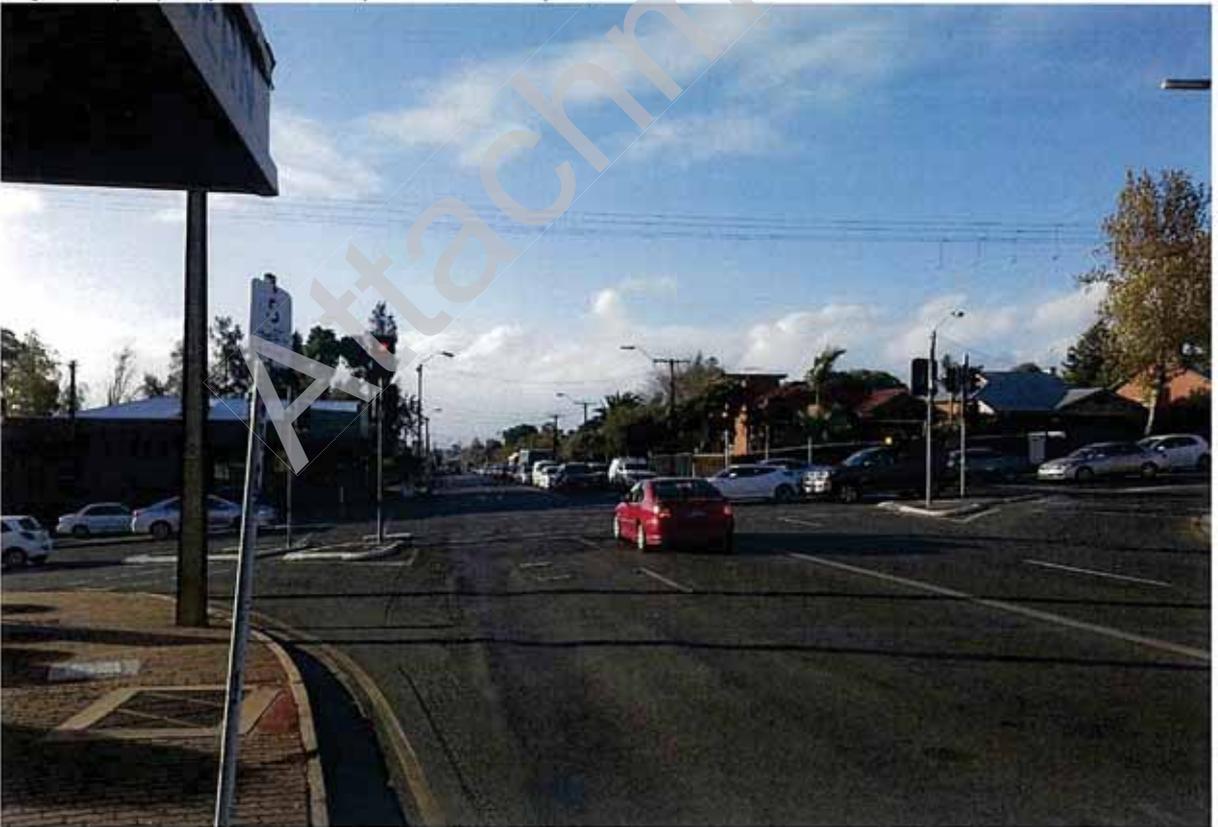


**PROSPECT COUNCIL
POLICY AREAS
MAP Pr/8**

Consolidated - 12 February 2014



Adjacent property at 225 Prospect Road Prospect



Prospect Road streetscape facing north of subject site



Prospect Road streetscape facing south of subject site



Adjacent properties at 409 and 411 Regency Road Prospect



Regency Road streetscape facing east from subject site



Civic Centre
128 Prospect Road
Prospect SA 5082 AUSTRALIA
Telephone: 08 8269 5355
Email: admin@prospect.sa.gov.au

Subject Site



Notes

Disclaimer

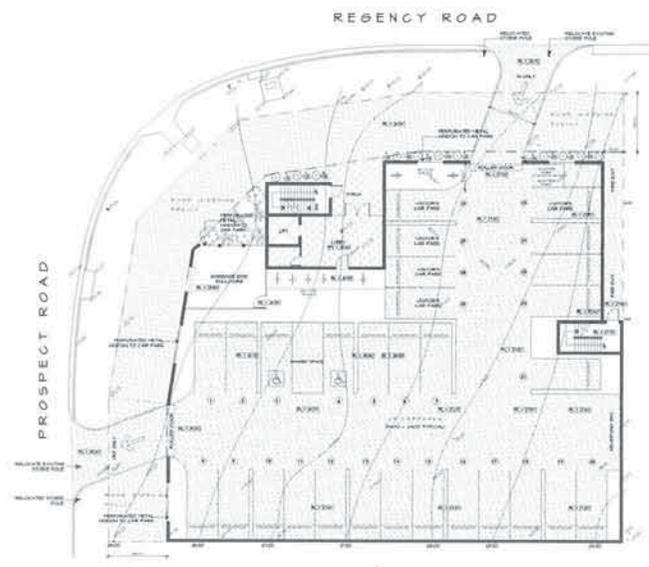
This map is a representation of the information currently held by the City of Prospect. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.



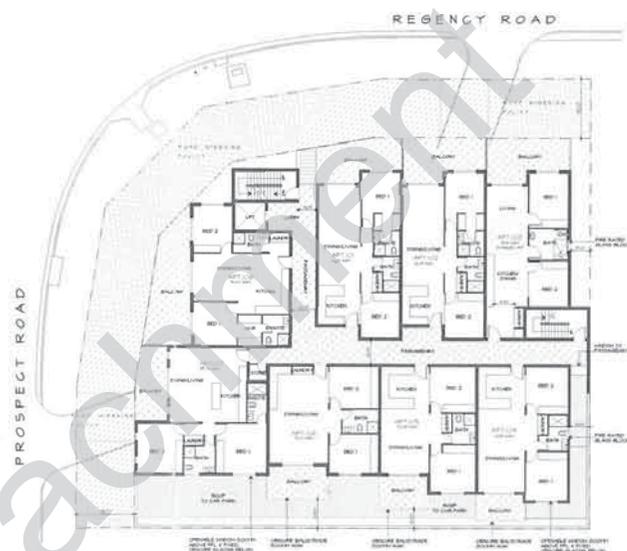
Subject site, photograph taken from Regency Road facing south



Subject site, photograph taken from Prospect Road facing east



GROUND FLOOR PLAN
SCALE 1:200



1st-3rd FLOOR PLAN
SCALE 1:200

AREA SUMMARY	
GROUND FLOOR	80.22 SQ.M
LOBBY	31.01 SQ.M
STAIRCASE	23.88 SQ.M
PORCH	16.33 SQ.M
FIRST FLOOR RESIDENTIAL	848.38 SQ.M
LIVING AREA	606.80 SQ.M
CIRCULATION SPACE	111.08 SQ.M
BALCONIES	130.50 SQ.M
SECOND FLOOR RESIDENTIAL	848.38 SQ.M
LIVING AREA	606.80 SQ.M
CIRCULATION SPACE	111.08 SQ.M
BALCONIES	130.50 SQ.M
THIRD FLOOR RESIDENTIAL	848.38 SQ.M
LIVING AREA	606.80 SQ.M
CIRCULATION SPACE	111.08 SQ.M
BALCONIES	130.50 SQ.M
TOTAL BUILDING AREA	2,625.36 SQ.M
CARPARK AREA	870.35 SQ.M
LANDSCAPE AREA	18.42 SQ.M
EXTERNAL FIRE ESCAPE	19.41 SQ.M
TOTAL SITE AREA (inc. road widening)	1,266.94 SQ.M
TOTAL SITE AREA (exc. road widening)	988.40 SQ.M

SUMMARY	
TOTAL ON-SITE CARPARKS	29
TOTAL 2 BEDROOM 2 BATH APARTMENTS	12
TOTAL 2 BEDROOM 1 BATH APARTMENTS	12
TOTAL VISITORS CAR PARK	3
BICYCLE RACKS	10
DISABLED CARPARKS NEEDED	2

Issue	Date	Revision

VARTZOKAS ARCHITECTS PTY LTD
 Level 1/718 Glen Osmond Road
 Melbourne SA 5003
 Phone: 08 8379 9822
 Fax: 08 8379 9811
 Email: admin@vartzokasarchitects.com.au

Project: **PROPOSED APARTMENT DEVELOPMENT**
 Address: **ONE PROSPECT & REGENCY ROAD, PROSPECT**
 Client: **AHAND INVESTMENTS PTY.LTD.**
 Title: **FLOOR PLANS**

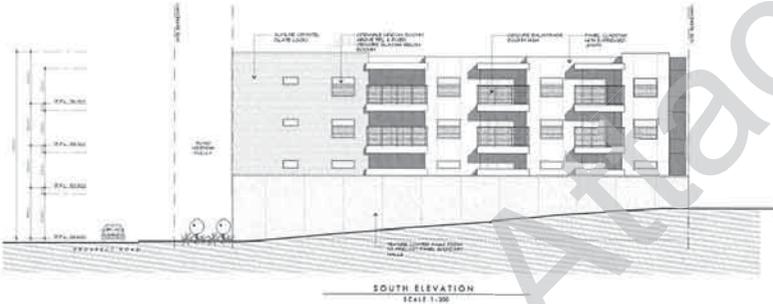
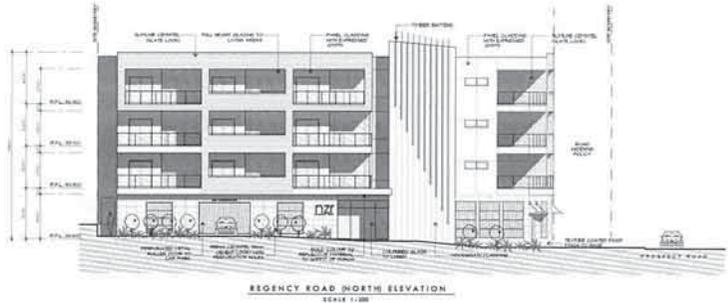
Drawn: FT	Checked: TY	Scale: 1:200
Date: FEB'15	Plot No: 25-02-15	Sheet No: 1 of 2

Job No: **A213-464** Draw No: **PDA - 02**

Verify all dimensions and volumes prior to commencing work. Figure dimensions take preference. Do not scale drawings.

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Attachment

Issue	Date	Revision

VARTZOKAS ARCHITECTS PTY LTD
 Level 1/214 Glen Osmond Road
 Parkville, SA 5063
 Phone: 08 8279 8803
 Fax: 08 8279 8815
 e-mail: admin@vartzokasarchitects.com.au

Project: PROPOSED APARTMENT DEVELOPMENT
 Address: ONE PROSPECT & REGENCY ROAD, PROSPECT
 Client: ANAND INVESTMENTS PTY.LTD.
 Title: ELEVATIONS

Drawn: FF	Checked: TY	Scale: 1:200
Date: FEB'15	PlotNo: 26-02-15	Sheet No: 2 of 2

Job No: N214-473 Dwg No: PDA - 02

Verify all dimensions and set-outs prior to commencing work. Figure dimensions take preference. Do not scale drawings.

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LUMENSTUDIO**Julian Rutt**B.Arch (hons), AIA
jrutt@adam.com.au
0422 305 099

27 March 2015

By email: scott.mcluskey@prospect.sa.gov.au

City of ProspectDevelopment Services
128 Prospect Road
Prospect SA 5082**Attention: Scott McCluskey**
PRIVATE AND CONFIDENTIAL

Dear Scott

DESIGN REVIEW: 227-229 PROSPECT RD, PROSPECT

Regarding the information provided on Vartzokas drawings PDA-01 and 02 for the proposed apartment building at 227-229 Prospect Road Prospect, and in the framework of providing design review advice, I offer the following comments;

At four storeys (two levels of apartments with ground level car park) the proposal meets the desire to increase density along major thoroughfares. The building's scale is appropriately broken down, noting that its size is (currently) at odds with its context of adjoining properties. There may be some impacts on neighbouring properties with the proposal being built close to the boundaries.

The building makes reasonable use of ideal orientation with access to northern light though aspect varies between apartments, while views gained from the raised corner have largely been used to advantage where possible though some internal bedrooms rely solely on borrowed light from internal spaces. Limited ability to use cross breezes is possible though there is no detail on auxiliary heating/cooling.

Landscaping is mostly limited to ground floor entry area and largely not possible to much of the ground floor due to the building footprint/overhang being maximised, separation of car park achieved by screening and walling at ground level and a review of the effect of the angled driveway/crossover of footpath upon the speed of vehicles may be warranted.

This proposal exhibits merit but could benefit from investigation and integration of environmental design principles.

Yours sincerely


Julian Rutt
Architect, AIA

LUMENSTUDIO

Julian Rutt

B.Arch (hons), AIA

jrutt@adam.com.au

0422 305 099

26 March 2015

227-229 PROSPECT RD PROSPECT**Context***Good design responds to and contributes to its context. Context can be defined as the key natural and built features of an area.*

No detail provided on context related to adjoining properties and/or uses (domestic, commercial etc) though existing online street views indicate largely low-rise detached residential and commercial buildings in the vicinity and some double storey residential units to the south. The proposal of a four storey development meets aim of increasing density along the major corridors, this being on a prominent corner on an intersection of two major roads.

Scale*Good design provides an appropriate scale in terms of the building height relative to the width of the street and height of the surrounding buildings.*

The overall size, height and bulk of the proposal appears to be suitable, the facades sufficiently broken down to minimise expansive wall areas lacking relief and incorporate an appropriate amount of modulation and openings for medium density design of this scale.

Built form*Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.*

With significant visual interest to the facades with a sound response to a corner site on a prominent corner, the proposal has the potential to positively add to the precinct and provide a new precedent to influence future development in the area. The raised corner and views have been used to potential in the building through the provision and extent of the balconies to the apartments. Negative impact of the ground floor car park has been partly limited through screening and a continuous façade/wall.

Density*Good design has a density appropriate for a site and its context, in terms of dwelling yields (or number of units or residents).*

Proposed density is appropriate for the site area provisions and desired future density along urban corridors. Noted to be at odds with current context as there is no existing local precedent for this desired scale of development, yet.

Resource, Energy & Water efficiency*Good design makes efficient use of natural resources, energy and waste throughout its full life cycle, including construction.*

Little to no information provided generally. Ideal solar orientation for North facing apartments though these are limited to 3 out of 8 per floor; apartments 4, 5 & 6 will not receive any direct sunlight.

Internal layout is not conducive to allowing cross breezes. No information on water harvesting/reuse, heating cooling, hot water heating or energy generation.

Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Minor consideration given to entry area around corner, limited buffer zone, no apparent treatment to plantings, though noted that site density and footprint has been maximised.
No mention on paving surface, eg bitumen vs water permeable pavers.

Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Potential privacy issues from units facing south addressed with 1500mm high screening, though noted that some of the existing neighbouring properties are already two storey medium density dwellings. Many bedrooms have limited access to natural daylight via borrowed light internally from the living space. Balconies are of satisfactory size. No external storage area for apartments noted.

Unsure of whether the car park will comply with National Construction Code requirements for minimum 50% open space on two sides for natural ventilation given the layout and roof over some of the car park. Apartment allocated for disabled use is one of the smaller/tighter layouts.

Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

Passive street surveillance aided by presence of balconies and activity/entrance at corner with minimised areas of limited visibility/hiding places, though no information provided about site lighting.
Angled driveway entrances off main roads may encourage higher speed vehicle entry and exit over footpaths.

Social Dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to the social facilities.

2 bedroom apartments throughout proposed development are a sought deviation from the local standard detached single housing, though limited demographic mix available within the building; no one or three bedroom apartments. Disabled compliant apartment commendable if more than current National Construction Code (NCC) requirements, though may not be ideal unit(s) in building to allocate.

Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect tge use, internal design and structure of the development.

The modern design with appropriate material employment is appropriate for this type of development with the design language appearing to be fairly coherent around the entire building and setting a good example for future development in the area. Elevations provide some idea of appearance though this would be helped by additional inclusion of 3d perspectives including the neighbouring buildings and streetscape from the intersection.

In reply please quote 2015/00161/01, Process ID: 330302
 Enquiries to Reece Loughron
 Telephone (08) 8226 8386
 Facsimile (08) 8226 8330
 E-mail dpti.luc@sa.gov.au



Government of South Australia

Department of Planning,
 Transport and Infrastructure

13/04/2015

Mr Scott McLuskey
 City of Prospect
 PO Box 171
 PROSPECT SA 5082

**SAFETY AND SERVICE
 DIVISION**

GPO Box 1533
 Adelaide SA 5001

Telephone: 61 8 8226 8222
 Facsimile: 61 8 8226 8330

Dear Scott,

SCHEDULE 8 - REFERRAL RESPONSE

Development No.	050/345/14 – Amended Plans
Applicant	Vartzokas Architects Pty Ltd
Location	Lot 86 in FP 109951, 227-229 Prospect Road (cnr Regency Road), Prospect
Proposal	4 storey residential flat building (containing 24 dwellings) and car parking

I refer to the above development application forwarded to the Safety and Service Division of the Department of Planning, Transport and Infrastructure (DPTI) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*.

THE PROPOSAL

The development involves the demolition of all existing structures and the construction of a four storey residential building comprising 24 dwellings. Vehicular access is proposed via both Regency Road and Prospect Road.

CONSIDERATION

Road Widening

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Prospect Road and Regency Road frontages of this site for the future upgrading of the Prospect Road / Regency Road intersection, together with a corner cut-off. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement. Current planning indicates that land from the site may be required for the future upgrade of the Prospect Road / Regency Road intersection; however this upgrade is presently unfunded. As such, DPTI will be enforcing the road widening requirement.

DPTI has reviewed the Floor Plans and Elevations provided by Vartzokas Architects Pty Ltd (refer Sheet 1 Floor Plans, Job No. A213-464, Drawing No. PDA – 02, Plotted 25/2/15, dated FEB'15 and Sheet 2 Elevations Plans Job No. N214-473,

/DOCS AND FILES# 9342007

Drawing No. PDA – 02, Plotted 26/2/15, dated FEB'15). It is noted that the majority of building works are located outside of this area, however it appears that the awnings adjacent to the proposed main entry extend into the 4.5 metre strip requirements. In this instance DPTI is prepared to allow the encroachment provided that the cantilevered awnings are designed to be removable so that should DPTI infrastructure need to be installed, erected and/or maintained within this area the awnings can be easily removed or modified at that time at no cost to this department.

It is pointed out that the 4.5 metre strip of land should be set aside for road purposes at the time a land division application is lodged.

Access & Car Parking

DPTI has been in consultation with the applicant in regards to the preferred access location and design in regards to minimising impacts to the adjacent signalised intersection. DPTI recommended a one-way flow through the site (from Regency to Prospect Road) with all movements being undertaken on a left turn in and left turn out basis only, with the access points being located as far as practicable from the signalised intersection. DPTI is pleased that the applicant has been able to amend the design to incorporate these requirements.

To further reinforce the desired flow through the site the Regency Road access point should be flared on the entry side only and the Prospect Road access point should be flared on the departure side only.

Regency Road Ingress

In regards to the proposed ingress, while the location is supported, the final design should be amended so that the roller door is set back further into the site in order to maximise vehicular storage clear of the future carriageway (after road widening). Additionally, the roller door should be increased in width to ensure convenient entry movements into the closest parks (25 and 26). It is noted that setting the roller door further back may require the scooter parking to be relocated further into the bay adjacent the eastern wall.

Prospect Road Egress

The design of the egress to Prospect Road should ensure that AS/NZS 2890.1:2004 Figure 3.3 Minimum Sight Lines For Pedestrian Safety is incorporated into the design. This may also require the roller door to be widened and relocated in order to fit the revised building design.

Parking

In regards to the car park design, all access points should be clearly signed and line marked to reinforce the desired traffic flow through the site. DPTI is satisfied that the proposed development is providing sufficient car parking at rates described in Council's development plan for the Urban Corridor and other parking guidelines.

Additionally, all access points and manoeuvring areas should be designated as common property or rights of way at the land division stage.

Refuse Collection

DPTI notes that a dedicated storage area for bins will be provided on site. It is strongly recommended that Council ensure that a refuse vehicle can service this area internally without the need for individual tenants to have refuse bins collected

from the footpath. Council should also ensure that if a refuse vehicle will service this storage area that the vehicle will not impede internal traffic flows which may result in anti-directional movements and thus result in vehicular conflict.

Pedestrian Access

Council should ensure that suitable pedestrian facilities are included in the design of the Regency Road and Prospect Road access points.

Illuminated signage

DPTI appreciates that no signage requirements have been established for the proposed development. However given the proximity of the adjacent signalised intersection any future signage should be designed in accordance with DPTI "Advertising Signs - Assessment Guidelines for Road Safety" (August 2014) to ensure road safety is maximised along the adjacent section of Regency Road and Prospect Road.

CONCLUSION

In-principle, no objections are raised subject to the following conditions being attached to any approval.

ADVICE

The planning authority is directed to attach the following conditions to any approval:

1. All building works and the at grade car park shall be set back clear of the 4.5 metres road widening requirements along the Prospect Road and Regency Road frontages of the site.
2. The cantilevered awnings located adjacent to the proposed main entry that extend into the 4.5 metre strip requirements shall be designed to be removable so that they can be removed or modified should DPTI need to install, erect and/or maintain infrastructure in this area. On the direction of the Commissioner of Highways, the awnings shall be removed or modified at no cost to the department.

The planning authority is advised to attach the following conditions to any approval:

1. The access points to Regency Road and Prospect Road shall be constructed in accordance with Vartzokas Architects Pty Ltd, Sheet 1 Floor Plans, Job No. A213-464, Drawing No. PDA – 02, Plotted 25/2/15, dated FEB'15.
2. All access shall be gained via a one-way flow through the site with ingress movements (left in only) via Regency Road and egress movements (left out only) via Prospect Road only.
3. The access point/s shall be angled at 70 degrees to the kerb line and be appropriately signed and line marked in order to reinforce the desired traffic flow.
4. The ingress roller door shall be setback to maximise vehicular storage clear of the road widening strip.
5. The egress roller door shall be designed in accordance with AS/NZS2890.1:2004 Figure 3.3 Minimum Sight Lines For Pedestrian Safety.
6. All vehicles shall enter and exit the site in a forward direction.

7. Refuse collection shall be undertaken within private property and ensure vehicular movements through the car park are not impeded during collection times.
8. The Regency Road and Prospect Road crossovers shall provide a minimum of 1.0 metre separation from all roadside infrastructure.
9. Any portions of redundant crossover shall be closed and reinstated to Council's satisfaction at the applicant's cost prior to the habitation of any dwellings.
10. All bicycle facilities shall be designed in accordance with AS2890.3:1993 - Bicycle parking facilities.
11. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Regency and Prospect Roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

The following notes provide important information for the benefit of the applicant and are required to be included in any approval:

- i. The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Prospect Road and Regency Road frontages of this site for the future upgrading of the Prospect Road / Regency Road intersection, together with a corner cut-off. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.

Subsequently, should Council approve the application in its current form, the applicant should fill out the attached consent form and return it to DPTI with 3 copies of the approved plans.

- ii. Any future signage applications should be designed in accordance with DPTI "Advertising Signs - Assessment Guidelines for Road Safety" (August 2014). The document is available via the following link:

http://www.dpti.sa.gov.au/_data/assets/pdf_file/0019/145333/DPTI-Advertising-Signs-Assessment-Guidelines.pdf

Yours sincerely,



A/GENERAL MANAGER, OPERATIONAL SERVICES
For **COMMISSIONER OF HIGHWAYS**

Encl: Copy of the MARWP consent form.

A copy of the decision notification form should be forwarded to dpti.developmentapplications@sa.gov.au

METROPOLITAN ADELAIDE ROAD WIDENING PLAN ACT, 1972

Government of South Australia
Department of Planning,
Transport and Infrastructure

**APPLICATION FOR CONSENT OF THE COMMISSIONER OF HIGHWAYS
FOR BUILDING WORK**

Owner's Name _____
Applicant's Name _____
(If not owner)
Relationship to Owner (Lessee, Prospective Purchaser, Etc.) _____
Postal Address _____
Postcode _____

Location of Proposed Building Works (Full Details Required):

L.T.O. Plan No.: _____ Allotment No.: _____ Section: _____
Hundred: _____ House No.: _____
Street Name _____ Suburb: _____
Certificate of Title _____
Volume _____ Folio _____

Nature of Proposed Building Work _____

Proposed Location of Building Work on Land:

Distance from existing front road boundary to nearest point of building _____

Distance from existing side boundary (if on corner) to nearest point of building _____

Total estimated cost of proposed building work \$ _____

Estimated cost of proposed building work on land to which the Act applies \$ _____

Signature(s): _____ (Applicant) _____ (Owner or Authorised Agent) Date _____

Notes:

1. *Three (3) copies of the approved site plan describing fully the nature and extent of the proposal must be forwarded with this application form together with one copy of the notification of the relevant authority's decision to approve the development under the Development Act 1993.*
2. *The Act requires that the consent of the Commissioner of Highways must be obtained for any building work on land to which the Act applies.*
3. *The Act applies to all land shown on the Metropolitan Adelaide Road Widening Plan as possibly required for road widening and all land within six metres of the boundary of that land.*

PLEASE RETURN TO:

COMMISSIONER OF HIGHWAYS
DEPARTMENT OF PLANNING, TRANSPORT AND INFRASTRUCTURE
GPO BOX 1533
ADELAIDE SA 5001

For further information regarding the Metropolitan Adelaide Road Widening Plan Act,
please contact DPTI on (08) 8343 2303 or (08) 8343 2306.

In reply please quote 2014/01922/01, Process ID: 302755
 Enquiries to Reece Loughron
 Telephone (08) 8343 2569
 Facsimile (08) 8343 2725
 E-mail dpti.luc@sa.gov.au



Government of South Australia

Department of Planning,
 Transport and Infrastructure

**SAFETY AND SERVICE
 DIVISION**

77 Grenfell Street
 Adelaide SA 5001

GPO Box 1533
 Adelaide SA 5001

Telephone: 61 8 8343 2222
 Facsimile: 61 8 8343 2585

27/10/2014

Mr Scott McLuskey
 City of Prospect
 PO Box 171
 PROSPECT SA 5082



Dear Scott,

SCHEDULE 8 - REFERRAL RESPONSE

Development No.	050/345/14
Applicant	Vartzokas Architects
Location	Lot 86 in FP 109951, 227-229 Prospect Road (cnr Regency Road), Prospect
Proposal	Four storey residential flat building containing 30 dwellings.

I refer to the above development application forwarded to the Safety & Service Division of the Department of Planning, Transport and Infrastructure (DPTI) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*.

THE PROPOSAL

The development involves the demolition of all existing structures and the construction of a four storey residential building comprising 30 dwellings. Vehicular access is proposed via both Regency Road and Prospect Road.

CONSIDERATION

Road Widening

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Prospect Road and Regency Road frontages of this site for the future upgrading of the Prospect Road / Regency Road intersection, together with a corner cut-off. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.

Planning indicates that land from the site may be required for the future upgrade of the Prospect Road / Regency Road intersection; however this upgrade is currently unfunded. As such, DPTI will be maintaining the road widening requirement and directs that the proposed development be set outside of the 4.5 metres strip

requirement. The road widening strip requirement must be clear of all building works including all car parking and balconies.

DPTI is willing to assist the applicant with reviewing any amended proposal and establishing a building and car park footprint that is consistent with the future intersection upgrade requirements for this site.

Road Safety

The site abuts two arterial roads, with Regency Road carrying approximately 27,700 vehicles and Prospect Road carrying approximately 16,100 vehicles per day. Regency Road has a 60km/h speed limit and Prospect Road has a 50km/h speed limit.

The proposed development intends to retain access to both roads with slight relocation and widening of the access points closer to the signalised intersection. Whilst DPTI is supportive of the one-way flow through the site (ingress from Regency Road and egress to Prospect Road), the relocation of accesses closer to the traffic signals is not supported. Any amended plans must show the access points located adjacent the eastern and southern property boundaries, with reduced widths to encourage one-way movements.

The car park layout should also be designed to reinforce a one-way flow through the site and in accordance with AS/NZS 2890.1:2004 and 2890.6:2009.

CONCLUSION

DPTI does not support the proposed development in its current form. Amended plans showing:

1. All building works and at grade car parking set back clear of the 4.5 metre road widening strip requirements along the Prospect Road and Regency Road frontages of the site;
2. All access gained via a one-way flow through the site with ingress movements via Regency Road and egress movements via Prospect Road only;
3. The access points reduced in width to encourage one-way movements and located adjacent the eastern and southern property boundaries in order to minimise impacts to the operation of the adjacent intersection; and
4. All car parking at the ingress located 6.0 metres clear of the 4.5 metre strip requirement in order to provide sufficient area for vehicles to store clear of the road once the road widening strip is used for future road upgrades;

Should be provided to Council and thence DPTI for further review and comment. Should amended plans not be forthcoming, DPTI directs Council to refuse the application.

Yours since rely,



for
MANAGER, TRAFFIC AND ACCESS STANDARDS
 for **COMMISSIONER OF HIGHWAYS**

RAW CEMENT LOOK FOR BASE OF BUILDING

WOODGRAIN CLADDING AS FEATURE MATERIAL



SLATE LOOK PANEL PRODUCT

TIMBER BATTENS ON WOODGRAIN CLADDING

TIMBER BATTENS ON WOODGRAIN CLADDING

PANEL CLADDING WITH EXPRESSED JOINTS



RAW CEMENT LOOK PANEL WITH PERFORATED HOLES

PERFORATED METAL ROLLER DOOR TO CAR PARK

PERFORATED METAL WINDOW TO CAR PARK

PERFORATED METAL ROLLER DOOR TO CAR PARK

PANEL CLADDING WITH EXPRESSED JOINTS

WOODGRAIN CLADDING

OPAQUE BALUSTRADE 1500MM HIGH

OPENABLE WINDOW 1500MM ABOVE FFL & FIXED, OPAQUE GLAZING BELOW 1500MM

OPAQUE BALUSTRADE 1500MM HIGH

TIMBER BATTENS ON WOODGRAIN CLADDING

PANEL CLADDING WITH EXPRESSED JOINTS



PERFORATED METAL ROLLER DOOR TO CAR PARK

VENTILATION SLOTS TO CAR PARK

PERFORATED METAL WINDOW TO CAR PARK

RAW CEMENT LOOK PANEL WITH PERFORATED HOLES



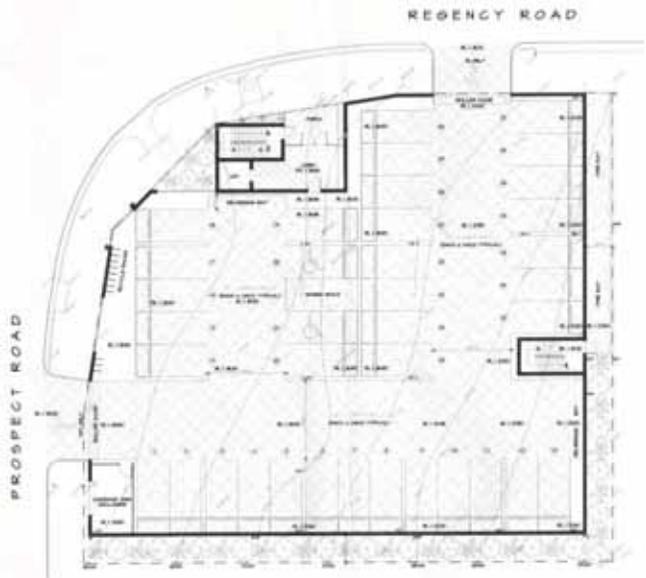
SLATE LOOK PANEL TO BALCONY BOX OUT

SUPERSEDED

CNR PROSPECT AND REGENCY ROAD, PROSPECT NAZERO APARTMENTS
PROPOSED RESIDENTIAL DEVELOPMENT



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GROUND FLOOR PLAN
SCALE 1:200



1st FLOOR PLAN
SCALE 1:200

AREA SUMMARY	
GROUND FLOOR	82.48 SQ.M
LOBBIES	43.89 SQ.M
STAIRCASE	33.87 SQ.M
PORCH	10.79 SQ.M
FIRST FLOOR RESIDENTIAL	1,822.91 SQ.M
LIVING AREA	888.36 SQ.M
CIRCULAR SPACE & COURTYARD	305.18 SQ.M
BALCONIES	133.37 SQ.M
SECOND FLOOR RESIDENTIAL	968.47 SQ.M
LIVING AREA	888.36 SQ.M
CIRCULAR SPACE	146.74 SQ.M
BALCONIES	133.37 SQ.M
THIRD FLOOR RESIDENTIAL	968.47 SQ.M
LIVING AREA	888.36 SQ.M
CIRCULAR SPACE	146.74 SQ.M
BALCONIES	133.37 SQ.M
TOTAL BUILDING AREA	3,042.31 SQ.M
CARPARK AREA	1,029.88 SQ.M
LANDSCAPE AREA	186.34 SQ.M
EXTERNAL FIRE ESCAPE	38.36 SQ.M
TOTAL SITE AREA	1,266.94 SQ.M

SUMMARY	
TOTAL ON-SITE CARPARKS	37
TOTAL 2 BEDROOM 2 BATH APARTMENTS	13
TOTAL 2 BEDROOM 1 BATH APARTMENTS	13
TOTAL 2 VISITORS CAR PARK	7
BICYCLE RACKS	18
DISABLED CARPARKS NEEDED	2



2nd & 3rd FLOOR PLAN
SCALE 1:200

SUPERSEDED

Rev	Date	Revision

VARTZOKAS ARCHITECTS PTY LTD
Level 1, 719 Glen Street Road
Melbourne, VIC 3002
Phone: 03 8379 9800
Fax: 03 8379 9811
www.vartzokas.com.au

Project: **PROPOSED APARTMENT DEVELOPMENT**
Address: **OUR PROSPECT & REGENCY ROAD, PROSPECT**

Client: **ARMAND INVESTMENTS PTY LTD**

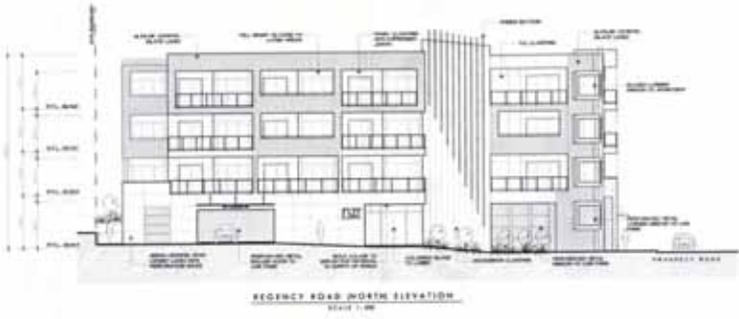
Title: **FLOOR PLANS**

Drawn BY	Checked BY	Scale: 1:200
Date: 09/11/14	Plotted: 02/09/14	Sheet No: 1 of 2
Job No: A213-464	Proj No: PDA 1/1	

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Attachment

SUPERSEDED

Rev	Date	Description

VARTZOKAS ARCHITECTS PTY LTD
 Level 1 / 131A Glen Street East
 Melbourne VIC 3002
 Phone: 08 8379 8899
 Fax: 08 8379 8817
 email: vart@vart.com.au

Project: **PROPOSED APARTMENT DEVELOPMENT**
 Address: **131A GLEN STREET, MELBOURNE**
 Client: **AMAND INVESTMENTS PTY LTD**

Title: **ELEVATIONS**

Drawn BY	Checked BY	Scale: 1:100
Date: 08/11/14	Permit: 01-05-14	Sheet No: 2 of 2
Job No: N214-473	Proj No: PDA 1/2	

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AGENDA ITEM: 5.4

To: Development Assessment Panel (DAP) on 11 May 2015

From: Scott McLuskey, Senior Development Officer Planning

Proposal: Four Storey Residential Flat Building comprising 25 Dwellings with Associated Car and Bicycle Parking and Landscaping (DA 050/77/2015)

Address: 171-173 Prospect Road, Prospect (CT 5284/551)

SUMMARY:

Applicant: Qattro

Planning Authority: Council

Referrals (Schedule 8): Department of Planning, Transport and Infrastructure

Public Notification: Category 1

Representations: Not applicable

Respondent: Not applicable

Development Plan Version: Consolidated 12 February 2015

Zone and Policy Area: Urban Corridor Zone (Boulevard Policy Area)

Issues: Building Height, Natural Thermal Comfort, Waste Management

Recommendation: **Approval, subject to conditions and reserved matters**

1. EXECUTIVE SUMMARY

- 1.1.1 A four storey apartment building, featuring a well-recessed upper storey is proposed at 171-173 Prospect Road Prospect. The building would comprise 25 two bedroom dwellings, 28 car parking spaces and 10 wall-hung bicycle parking racks.
- 1.1.2 The proposal was a Category 1 form of development, therefore not publicly notified. It was referred to the Department of Planning, Transport and Infrastructure who indicated their support subject to conditions and resolution of minor concerns. The design review concluded that the building creates significant visual interest, using a consistent and contemporary design theme. Cross-ventilation opportunities are not ideal, but natural light and ventilation access to habitable rooms is commendable.
- 1.1.3 The proposal provides suitable occupant amenity and private open space, provides a high level of visual interest and responds well to concerns relating to its scale. Car and bicycle parking would be appropriately catered for on-site, while overlooking and overshadowing impacts would be addressed suitably in the context of the zone. The proposal therefore warrants development plan consent.

2. LOCALITY AND SUBJECT LAND

2.1 Locality

2.1.1 The locality is largely commercial in nature, though comprising a mix of commercial, retail and residential uses and buildings. Businesses within the immediate locality include offices, personal services establishments, consulting rooms, meeting halls and shops, amongst others. Beyond the immediate locality, a range of offices, shops and a substantial supported accommodation facility are present, though several residential properties are also present. The site is directly adjacent a pedestrian crossing.

2.1.2 The broader locality, indicating the location of the subject land within the relevant Zone and Policy Area as described in Council's Development Plan is described in **Attachment 1**. Photographs of nearby properties are included at **Attachments 2-3**.

2.2 Subject Land

2.2.1 The subject land is located 30m south of Farrant Street and 20m north of Gordon Road. The land comprises one allotment with a total area of 1,396m², with a frontage of 35.7m to Prospect Road and a depth of 37.2-42.7m. The land is relatively regular in shape, sloping gently from east to west to a maximum difference in ground levels of 2m.

2.2.2 Existing site improvements include two substantial assembly buildings, currently used as dance studios, featuring various additions and improvements and a freestanding advertising display. Existing vegetation is limited to ground covers, with no significant trees on the subject land or within close proximity on adjoining allotments. The subject land is illustrated on **Attachment 4**. Photographs of the subject land are also include for the DAP's reference (refer **Attachment 5**).

3. PROPOSAL

3.1 The proposal comprises the construction of a four storey residential flat building incorporating 25 two-bedroom dwellings. 28 car parking spaces and 10 bicycle parking spaces would be provided at ground level, along with a refuse area, storage areas, an entry lobby between two pedestrian entry points and modest landscaping areas forward of the building.

3.2 The proposal plans are attached (refer **Attachments 6-12**), as is a supporting statement by the applicant (refer **Attachments 13-53**).

4. REFERRALS

4.1 Internal (Advisory) Referrals

4.1.1 An emphasis on high quality building and landscape design, with consideration of urban design principles is a fundamental component of any new development within the Urban Corridor. Accordingly, the proposal was referred to Mr Julian Rutt of Lumen Studio for informal design review in accordance with Councils Design Review Process for Higher Density Development (refer **Attachments 54-56**).

4.1.2 Briefly, the review identified the following:

- The building's mass is well broken down through a consistent and contemporary design theme employed to each of the building's facades. The treatment of solids and voids around balconies creates significant visual interest.
- While the building makes use of ideal solar orientation in some instances, the use of a central corridor layout results in many apartments lacking north-facing openings and limits opportunities for cross-ventilation. Reasonable opportunities exist to facilitate the efficient use of water and energy consumption on the site.
- Against this, the building form ensures natural light and ventilation to all habitable rooms in a desirable manner. While passive surveillance to the largely commercial streetscape of Prospect Road may be desirable, the proposal would benefit from a more detailed consideration of landscaping.

4.2 External (Legislated) Referrals

4.2.1 The proposal was referred to the Department for Planning, Transport and Infrastructure as required by Schedule 8 of the Development Regulations 2008. Pursuant to this Schedule, DPTI has the ability to make comment to Council in relation to the subject proposal. Their response is attached (**Attachments 57-58**).

4.2.2 Council must have regard to the comments of DPTI in relation to the proposed access point to Prospect Road. The DPTI indicated that it was satisfied with the location of the proposed access point, but desired that an additional 200mm width be provided to the first 6m of the driveway. Further, the DPTI wished to see the two visitor parking spaces closest to Prospect Road relocated elsewhere into the site. To this end, it appears that opportunities may be present to reconfigure bin storage and shared access/loading areas in accordance with this desire.

4.2.3 The DPTI have indicated that they are not opposed to the proposal, though wish that Council seek minor amendments to the driveway adjacent the access point, and subject to appropriate conditions.

4.2.4 No other consultation with agencies was required.

5. **PUBLIC NOTIFICATION**

5.1 The application is a Category 1 form of development pursuant to Section 38 of the *Development Act 1993*, Schedule 9 of the *Development Regulations 2008* and Urban Corridor Zone Principle of Development Control 22.

5.2 A residential flat building is a Category 1 development unless it is located on land adjacent to the Residential Zone or Historic (Conservation) Zone and it would be three or more storeys (or 11.5 metres or more in height), and it would exceed the 'Building Envelope - Interface Height Provisions' (UCZ PDC 22).

5.3 The subject land is located adjacent the Residential Zone, while the building proposed is greater than 3 storeys in height. Despite this, the building would not exceed the interface height provisions, so is a Category 1 form of development for which no public notification is undertaken.

6. PLANNING COMMENTARY

- 6.1 The application involves building work and therefore an application to Council is required. The proposal is neither a complying nor a non-complying development with reference to Principles of Development Control 20 and 21 of the Urban Corridor Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.
- 6.2 Pursuant to Section 35(2) of the *Development Act 1993*, a development that is assessed by the Council as being seriously at variance with the Development Plan must not be granted consent. To this end, the Panel must determine whether the proposal is seriously at variance with the Development Plan prior to making a decision on the application.

7. PLANNING ASSESSMENT

7.1 Land Use

- 7.1.1 It is anticipated that development within the Urban Corridor Zone would enable a high quality mixed use urban environment that contributes to the economic vitality of the City of Prospect by increasing the density of housing, as well as the number and the diversity of businesses and other services offered to residents and the wider community (UCZ Desired Character Statement).
- 7.1.2 This is reinforced by the following Objectives of the Urban Corridor Zone:
- Objective 1:** *A mixed use zone accommodating a range of compatible non-residential and medium and high density residential land uses orientated towards a high frequency public transport corridor.*
- Objective 2:** *Integrated, mixed use, medium and high rise buildings with ground floor uses that create active and vibrant streets with residential and commercial development above.*
- Objective 3:** *A mix of land uses that enable people to work, shop and access a range of services close to home.*
- 7.1.3 Furthermore PDC 1 of the zone outlines the types of development, or a combination thereof, which are envisaged within the Zone. A residential flat building is one of the types of development listed, therefore the proposal is considered to be an appropriate type of development from a land use perspective.

7.2 Site Density

- 7.2.1 The Transit Living Policy Area anticipates medium and high density housing. This would primarily be in the form of apartment and terrace style dwellings along with mixed-use buildings to accommodate a diversity of dwelling types within the precinct. In order to achieve this, the minimum residential site density for residential development within the Transit Living Policy Area is 45 dwellings per hectare net.
- 7.2.2 The subject site has an area of 1,396m². The minimum net residential site density would therefore be achieved through the provision of 7 dwellings. The proposal is for 25 dwellings within the residential flat building, therefore comfortably satisfying the desired minimum density for new development.

7.3 Traffic and Vehicular Movements

- 7.3.1 It is anticipated that new developments will minimise the number of access points onto arterial roads, by providing vehicle access from side streets, rear access ways, via rights of way or common vehicle parking areas (UCZ PDC 11). Where this is not possible, development along arterial roads should rationalise the number of access points off arterial roads and provide sufficient on-site manoeuvring area to enable all vehicles to enter and exit the site in a forward direction (Council Wide PDC 229).
- 7.3.2 The number, location and design of access points on public roads should be such as to minimise traffic hazards, queuing on roads, interference with the function of intersections and traffic control devices and intrusion of through traffic into adjacent residential streets (Council-wide PDC 210).
- 7.3.3 Access to the site would be via the existing access point to Prospect Road, at the south eastern corner of the site. The access location has been supported by the DPTI. The access point is presently proposed at its existing width of 5.8m. The DPTI have recommended a condition be imposed requiring the widening of the access point and adjacent driveway area to 6m. It is considered appropriate that such a condition be imposed for a minor change if the proposal is supported.
- 7.3.4 Sufficient areas would be provided on the site to ensure that all vehicles are capable of entering and exiting the site in a forward motion. The DPTI has recommended conditions that would involve the removal or relocation of two visitor parking spaces located towards the Prospect Road frontage of the site.
- 7.3.5 While the concerns of the DPTI are acknowledged, it is noted that sufficient area exists to provide vehicles with an opportunity to safely exit the roadway without conflicting with vehicles accessing these spaces. It is therefore considered that removal of the spaces is not required. Alternatively, the bin storage area and associated collection space could be moved to accommodate visitor parking spaces further removed from the access point.
- 7.3.6 It is concluded that the proposed access arrangements provide for safe and convenient vehicle movement, and satisfactorily respond to the relevant provisions of the Development Plan.

7.4 Design and Appearance

- 7.4.1 It is anticipated that development within the Urban Corridor Zone would achieve a high standard of architectural design through careful building articulation and fenestration to all visible sides. Building facades should involve the careful use of a diversity of building materials to create a high quality building appearance.
- 7.4.2 Landscaping should consist of low-lying shrubs and trees with relatively clean trunks and high canopies. Street fencing should be articulated horizontally or vertically to provide visual interest, while providing appropriate visual privacy to ground floor dwellings (UCZ TLPA Desired Character Statement).
- 7.4.3 The proposed building would be a maximum height of 15.3m and 13.9m above natural ground level when taken at the front and rear of the site respectively. The primary front and rear facades of the building would be 12.1m and 10.7m in height above natural ground level to the front and rear of the site (with the upper storey set in from these facades).
- 7.4.4 To this end, it is noted that the building would be greater than the three storey maximum number of storeys and height above natural ground level applicable

within the policy area. It is noted however that the substantial physical recession of the fourth storey would result in a building that, to the casual observer, appears to be three storeys in height when viewed from Prospect Road. The recession of the uppermost storey from the rear of the building is not as substantial, but would assist in reducing the visual impact of this façade on adjoining properties.

- 7.4.5 This approach would ensure that the hierarchy of scale between the High Street and Transit Living Policy Areas, with respect to streetscape, is maintained. While departures from building heights specified in the Development Plan require careful consideration, this particular proposal appropriately addresses the concerns associated with increased building heights. This departure is therefore not considered to be fatal to the application.
- 7.4.6 Building facades would incorporate vertical and horizontal articulated features that utilise physical recession, colour and material contrasts to provide a modern design with a high level of visual interest. Mr Rutt asserted that the proposal sets a good precedent for future development, with its use of a coherent design theme and contemporary visual treatments.
- 7.4.7 Northern, southern and western facades in particular would feature a substantial number of window openings, while 'csr' hebel power panel would provide material and colour variation to all facades to reduce the visual mass of the building. Contrasting rendered colour finishes and glass balustrading would add further variation and visual interest.
- 7.4.8 The dwellings have made reasonable use of a desirable north-south orientation where possible, though the overall configuration of the building would limit these opportunities. Similarly, the central corridor, lift and stairwell layout would limit opportunities for natural cross ventilation. Internal dwelling layouts would ensure natural light and ventilation to all habitable rooms, though the approach taken would be less successful for Units 11, 12, 20 and 21.
- 7.4.9 Internal dwelling floor areas would vary from 67m² to 89m², exclusive of balconies. Bedrooms would achieve an adequate 3m minimum dimension exclusive of built in robes. It is noted that bedroom 2 of the ground floor dwellings would rely on borrowed light, which is a less than ideal design outcome. It is anticipated that these rooms would be of lower amenity value and less likely to be used as bedrooms.
- 7.4.10 The external building materials and finishes have been designed to ensure an appropriate interface between the public and private realms. It is also considered that the architectural features of the proposed building would provide an appropriate level of visual interest and quality built form.
- 7.4.11 The overall design and appearance of the building is therefore supported. To ensure a built outcome of appropriate quality for the proposal, conditions reinforcing key design elements are recommended.

7.5 Setbacks

- 7.5.1 Within the Transit Living Policy Area, the minimum setback from the primary road is 3m. For allotments with a frontage width of greater than 20 metres, a minimum 2m side setback is desired, while the building should be setback 3m from the rear boundary of the allotment (UCZ PDCs 16 and 18).
- 7.5.2 The front wall of the building would be set back 2.9m from the Prospect Road boundary of the site, with ground level courtyard fencing projecting forward to a minimum 1.5m setback.

- 7.5.3 At all floors above the ground floor, the building would be setback a minimum of 2m to both the northern and southern boundaries of the site. Sliding doors to balconies would be recessed to a minimum of 5m setback to the northern and southern boundary.
- 7.5.4 At all floors above ground level the building would be set back a minimum 6.8m from the rear boundary of the site, with the ground floor car park roof protruding forward of the eastern building façade to a minimum 2.5m setback to the eastern boundary.
- 7.5.5 Departures from the desirable minimum setback distances are minor in nature and add articulation and visual interest to the building, therefore reducing the impact of any shortfall. The proposal is considered to suitably address the relevant setback provisions of the Development Plan and as such the siting of the building on the land is supported.

7.6 Energy Conservation Measures

- 7.6.1 It is desired that all dwellings provide adequate thermal comfort for occupants through passive design features such as orientation of windows, living areas and private open space, and cross-ventilation (Council-wide PDC 79).
- 7.6.2 Some apartments would be north-south oriented, though 14 of the 25 apartments would neither be north-south oriented, nor feature north-facing balconies or window openings.
- 7.6.3 The design review has identified that the solar orientation approach is not ideal. Against this though, the layout of the building results in a built form of good and cohesive external design interest, while maintaining reasonable opportunities to balance passive solar design ideals against the efficient use of water and energy on the site. The design review has also noted the positive approach to providing daylight and ventilation to each apartment.
- 7.6.4 It is anticipated that heating and cooling would be via individual gas hot water systems and air-conditioning units, which would be screened and located on the roof of the building, which is a common approach adopted and one supported regularly by staff. It is recommended that a condition be placed confirming this if consent is to be granted.
- 7.6.5 With the imposition of appropriate conditions, the building design incorporates features to provide adequate thermal comfort to occupants, particularly when balanced against other relevant design principles.

7.7 Noise Attenuation

- 7.7.1 It is anticipated that noise and air quality impacts should be mitigated through appropriate building design and orientation (UCZ Objective 1). Residential development on sites abutting roads with traffic volumes exceeding 3000 vehicles per day should be sited and designed to reduce the impact of traffic noise on occupants. Further, residential buildings should feature adequate separation between the habitable room windows and balconies of other buildings (Council Wide PDCs 111 and 161).
- 7.7.2 In addition to the above, the subject land is identified with Map Pr/1 (Overlay 5) for the purpose of noise and air emissions. It is outlined by PDC 1 of the Noise and Air Emissions Overlay that sensitive development located adjacent to high noise and/or air pollution sources should be additionally protected from these additional potential impacts.

- 7.7.3 It is also desirable that attached dwellings are designed to minimise the transmission of sound between dwellings, particularly between living areas and bedrooms (Council-wide PDC 93). It is noted that for this proposal the layout of dwellings is such that bedrooms would be separated from the living or kitchen areas of adjoining apartments, which is a desirable outcome.
- 7.7.4 The construction of the building would need to be undertaken in accordance with the Ministers Specification SA78B – Construction requirements for the control of external sound. Compliance with the Minister’s Specification would be required as part of the Building Code of Australia (BCA). Given the layout of the dwellings, it is anticipated that compliance with the Minister’s Specification would suitably achieve compliance with relevant provisions of the Development Plan.

7.8 Private open space provision

- 7.8.1 Private open space should be provided for each dwelling and should be located so that it is accessible directly from internal living areas. Private open space should have sufficient area and shape to be functional (Council Wide PDC 148).
- 7.8.2 Private open space areas located above ground level should have a minimum width of 2 metres, while ground level open space should have a minimum width of 3 metres (Council-wide PDC 153). Above ground level, two bedroom dwellings should have a minimum of 11m², while ground level dwellings should have a minimum of 24m² of private open space (Council-wide PDC 152).
- 7.8.3 All above ground dwellings would feature a minimum 11m² of private open space, with balconies featuring a 2.8m minimum dimension. Ground level dwellings would feature approximately 21m² of private open space.
- 7.8.4 All primary areas of private open space are directly accessible from and well integrated with living areas, with the use of full width sliding doors maximising the functionality of outdoor spaces. While it is noted that courtyards are not ideally located, being forward of the building, it is also noted that within the overall building layout this configuration provides natural daylight and ventilation while improving passive surveillance of, and interaction with, a largely commercial streetscape.
- 7.8.5 The proposal would provide areas of private open space in excess of required areas and minimum dimensions in most instances. The departure in desirable minimum size and orientation of the courtyards is not fatal to the application. The balconies and courtyards will generally, with the imposition of appropriate conditions, provide high levels of functionality and amenity to future occupants.

7.9 Car Parking and Bicycle Parking

- 7.9.1 Within the Urban Corridor Zone, it is anticipated that the provision of car and bicycle parking would be in accordance with Tables Pr/5 and Pr/6 of Council’s Development Plan. It is also anticipated that on-site vehicle parking would not be visible from the primary street frontage through the use of design solutions such as locating parking areas behind the front building façade and screening undercroft parking areas with landscaping and articulated screening (BPA Desired Character Statement).
- 7.9.2 Table Pr/6 outlines an anticipated demand of one bicycle park for every four dwellings, and one bicycle park for visitors for every ten dwellings. Therefore 6 bicycle parks should be provided.

- 7.9.3 With regard to the provision of car parking, 1 car parking space is desired for each 2 bedroom dwelling. An additional 0.25 spaces is desired per dwelling for visitor parking. Consequently, the anticipated car parking rate for the 25 dwellings would be 31 car parking spaces, comprised of 25 for occupants and 6 for visitor parking.
- 7.9.4 In total, 28 car parking spaces and 10 bicycle parking spaces would be provided. Bicycle parking is ideally located adjacent the main foyer, while the provision of two pedestrian access points ensures convenient access for bicycle users.
- 7.9.5 With respect to the minor shortfall in parking provision on-site, the opportunity for visitor parking after peak commercial operating periods on Prospect Road is noted. It is anticipated that public parking, in combination with convenient public transport and bicycle parking, will adequately address the shortfall in on-site parking provision.

7.10 Landscaping

- 7.10.1 Landscaping should be in the form of low-lying shrubs and grass plantings, together with trees that have relatively clean trunks and high canopies to provide visual softening of the built form and reflect the scale of landscaping in the public realm (BPA Desired Character Statement).
- 7.10.2 The design of the building would provide a small amount of landscaping limited to modest areas forward of courtyard fencing. While this is not fatal to the application, it is recommended that a condition providing for a mixtures of heights and species of planting be imposed to ensure an outcome commensurate with that described by the elevation plans.

7.11 Stormwater Management

- 7.11.1 The provisions of Council's Development Plan suggest that site drainage should be designed to safely direct surplus flows to a public street without causing harm to adjoining properties (Council Wide PDC 97) and that all proposed developments should be designed to retain as much stormwater as possible, minimising the overflow to the kerb and water table (Council Wide PDC 98).
- 7.11.2 A coordinated stormwater management plan incorporating rainwater capture, re-use and overflow disposal is yet to be finalised, though it is noted in the accompanying submission that it will involve the capture of rainwater in suitable sized tanks. Given that the proposal will result in a notable increase in stormwater run-off from the subject land, it is appropriate that Council receive and assess a detailed plan.
- 7.11.3 It is therefore recommended that the consideration of the stormwater design be reserved for further assessment and approval by Council. It is anticipated that this design would not result in substantial changes to the layout or appearance of the building.

7.12 Waste Management

- 7.12.1 It is anticipated that new development would enable waste management options that provide adequate storage while screening these areas from public view. The design of driveway crossovers, parking areas, accessways and elements that interact with the public realm should also safely and efficiently accommodate the collection of waste and recycling materials.

- 7.12.2 Additionally, new developments should provide a dedicated area for the on-site storage, collection and sorting of recyclable materials and waste that is safe and convenient (Council Wide PDC 147, 169 and 170).
- 7.12.3 A communal waste system would be available for the provision of waste, green waste and recycling within an appropriately located area of the car park, though neither its management methodology nor intended storage capacity is described by the proposal plans. While the submission from the applicant identifies that waste collection may occur through private contractors operating a Medium Rigid Vehicle, this does not in and of itself confirm the suitability of the intended waste management approach.
- 7.12.4 To this end, it is recommended that the consideration of the waste management plan be reserved for further assessment and approval by Council. It is anticipated that this would not result in changes to the layout or appearance of the building.

7.13 Overshadowing

- 7.13.1 Generally, the design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space areas while minimising the overshadowing of windows of main internal living areas, upper-level private balconies that provide the primary open space area for a dwelling and solar collectors (Council-wide PDC 138).
- 7.13.2 The subject site, along with properties directly north, east and south of the subject site, is identified to be developed at a greater intensity than that of the existing built form. It is also noted that the properties to the north and south of the subject land, for a distance of some 30-40 metres, are commercial in nature.
- 7.13.3 Properties east of the subject site, within the residential zone, would experience some overshadowing in afternoon periods as a result of the proposed building. It is noted that compliance with the interface height provisions minimises this impact. Further, the shadow cast by the building will be a result of western sun, the least desirable period for direct sunlight entry with respect to energy efficiency.
- 7.13.4 Given the above, it is anticipated that the overshadowing impact would be limited and would appropriately respond to the Urban Corridor Zone and Residential Zone interface.

7.14 Visual Privacy

- 7.14.1 It is anticipated that a variety of measures should be used to minimise direct overlooking into adjacent internal living and private open space areas. Such measures should be integrated into the overall building design and should have minimal negative effect on the amenity enjoyed by the occupants of neighbouring dwellings (Council Wide PDC 139).
- 7.14.2 It is noted that the commonly used 1.7m and 1.8m high privacy screens for windows and balconies referred to in Council Wide PDC 90 are specifically excluded for buildings that are three or more storeys in height in the Urban Corridor Zone.
- 7.14.3 It is proposed that 1.5m high privacy screening is provided to almost all balconies, though this appears to be absent from Unit 18. Further, while 1.5m high screening to northern, southern and western facades would be appropriate within a principally commercial locality, the eastern façade should receive greater attention.

7.14.4 To this end, it is recommended that a condition be imposed specifying the height of balcony privacy screens and window sills to the eastern façade of the building be increased to 1.6m. It is anticipated that this extent of screening strikes an appropriate balance between the amenity of future occupants and neighbouring residents.

8. CONCLUSION

- 8.1 The proposal seeks to establish a medium to high density residential land use on the subject land. The building would be four storeys in height, which exceeds the maximum height anticipated by Council's Development Plan for this site, but is still considered satisfactory due to the approach taken in minimising the visual impact of the upper storey. The size and internal layout of apartments, as well as the building's design aesthetics, have been commended through the design review process.
- 8.2 The proposal would achieve the required setbacks, have adequate private open space and thermal comforts in accordance with the Development Plan provisions. The floor plans proposed would provide functional and usable living spaces, and privacy and noise impacts would be moderated through good design and noise attenuation techniques.
- 8.3 Vehicular access would be provided from Prospect Road, with appropriate car and bicycle parking areas provided. The proposal would also provide suitable security, landscaping and visual privacy outcomes, following the imposition of appropriate conditions.
- 8.4 Stormwater and waste management plans would be reserved for further consideration, with the proposal allowing sufficient area to ensure that the relevant management plans can achieve the relevant requirements of the Development Plan.
- 8.5 The application is therefore considered to be relatively consistent with the relevant provisions of the Prospect (City) Development Plan and warrants the granting of development plan consent, subject to the reserving of some matters for further assessment and appropriate conditions.

9. RECOMMENDATION

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/77/2015 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the *Development Act 1993*, as amended, Development Plan Consent be approved to DA 050/77/2015 from Qattro for a Four Storey Residential Flat Building comprising 25 Dwellings with Associated Car and Bicycle Parking and Landscaping at 171-173 Prospect Road, Prospect (CT 5284/551), subject to the following reserved matters, and draft conditions and notes that may be added to or altered following satisfactory resolution of reserved matters by Council administration:

Reserved Matters:

1. A detailed design of the stormwater management system by a suitably qualified civil engineer, including appropriate provisions for rainwater capture and reuse.
2. Detail on the methods to be used for ongoing general waste management, including the appropriate storage and collection of putrescible waste, green (organic) waste and recyclable materials.

Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/77/2015, except as modified by any conditions detailed herein. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation of the approved development.
2. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving, and be properly drained. The surfacing of the driveway and drainage shall be maintained to the reasonable satisfaction of Council thereafter.
3. The drainage system shall be designed, installed and maintained at all times thereafter to ensure that water from the site does not:
 - a) Flow or discharge onto adjoining properties;
 - b) Flow across the surface of footpaths or public ways;
 - c) Affect the stability of any building; or
 - d) Create unhealthy or dangerous conditions on the site or within any building.
4. The features and materials set out in Drawing Number 6 of 7 Revision 'A' approved herein are essential elements of the building and shall be established and maintained at all times to the reasonable satisfaction of Council.
5. Air-conditioning units and solar hot water heaters shall be provided with screening devices designed to complement the colours, materials and finishes of the building approved herein, and shall be sited to adequately screen the units from view to the reasonable satisfaction of Council.
6. Revised plans shall be provided to the satisfaction of Council increasing the height of east-facing privacy screens to a height of 1.6m above each respective finished floor level of the building. These revised plans shall also demonstrate an increase in height to east-facing windows to a minimum sill height of 1.5m above each respective finished floor level of the building.
7. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of materials or goods including waste products and refuse.
8. Permanently fixed clotheslines shall not be permitted within 1.5m of the edge of each balcony.
9. To maximise the efficiency of waste recycling:
 - a) Provision shall be made for the separation of recyclable materials for collection and recycling, including paper, cardboard, glass and plastic containers, tins, and any other plastic that 'holds its shape';
 - b) Separate provision shall be made for the collection of food waste (food organics) and food-contaminated cardboard, paper or paper products, which are to be collected for composting; and

- c) Paper attached to plastic, wax paper or chemically-treated/gloss cardboard will not be included with the materials collected for composting.
10. Service vehicle movements shall occur outside of the peak periods associated with the use approved herein and in any event shall not occur before 6am or after 9pm on any day.
 11. The building must be maintained, kept tidy, free of graffiti and in good repair and condition at all times.
 12. All car parking spaces must be line-marked in accordance with the approved plans and to comply with the Australian/New Zealand Standard for Parking Facilities (Part 1: Off-street Car Parking (AS/NZS 2890.1:2004) prior to occupation.
 13. The surfacing of the car park, line marking and directional arrows shall be maintained to the reasonable satisfaction of Council at all times.
 14. Driveways, parking and manoeuvring areas shall be lit in accordance with the Australian Standard for Lighting for Roads and Public Spaces (AS1158.1 and AS1158.3) during the hours of darkness that they are in use and accessible by the general public.
 15. Wheel-stops or similar non-mountable devices shall be provided to each eastern car park to prevent damage to the fence.
 16. During construction of the development approved herein, measures will be implemented to ensure that the construction works do not result in an unreasonable impact on occupiers of adjacent properties or pollution of existing infrastructure through drag-out or stormwater runoff. Measures shall include as necessary:
 - a) A hard surface and controlled washing zone at the entry/exit points to the site, designed to reduce the potential for mud and material dragged out by construction vehicles; and
 - b) Containment of stormwater run-off within the site, which if being discharged into the stormwater system will be filtered to the satisfaction of Council; and
 - c) Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment; and
 - d) The establishment of an appropriate storage compound for waste materials and litter. No building waste material shall be stored outside of the storage compound or similar industrial bin; and
 - e) All mechanical equipment shall be used in a manner to minimise the potential for noise pollution and ensure compliance with the requirements of the Environment Protection (Noise) Policy.
 17. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths traversed by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works.

No obstruction of the footpath or roadway may occur without the prior permission of Council. For further advice, please contact Council's Infrastructure and Environment Department on 8269 5355.
 18. To ensure compliance with applicable standards as described in the Environment Protection (Noise) Policy established under the Environment Protection Act, construction activities shall only take place between the hours of 7:00am and 7:00pm, Monday to Saturday inclusive, and not on Sundays or public holidays.

The following conditions are imposed at the recommendation of the Department of Planning, Transport and Infrastructure:

1. The site shall be accessed via a single 6.0 metre wide vehicular access point located adjacent the southern property boundary.
2. All vehicles shall enter and exit the site in a forward direction.
3. Car parking and vehicle manoeuvring areas shall be consistent with AS/NZS 2890.1:2004.
4. No stormwater from this development is permitted to discharge on-surface to Prospect Road. In addition, any existing drainage of the road shall be accommodated in the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the applicant.

Advisory Notes:

- (1) Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

- (2) The development plan consent granted herein is effective for a period of twelve (12) months from the date of the decision. Unless Council extends this period, building rules consent is required within this time or the consent will lapse.

Any request for an extension of the operative period of the consent must be submitted to Council in writing, accompanied by the applicable fee.

- (3) Further application pursuant to the Local Government Act shall be made to the Infrastructure Assets and Environment Department for the proposed crossover prior to construction activities occurring.

Road/Kerbing/Footpath Works will need to be inspected by an Assets and Infrastructure Officer to determine they have met all relevant requirements. All work including line marking will be the responsibility of the applicant as will the reinstatement of any damaged Infrastructure / Services related to these works. All works will be carried out at the cost to the applicant.

- (4) Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths traversed by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works.

No obstruction of the footpath or roadway may occur without the prior permission of Council. For further advice, please contact Council's Infrastructure and Environment Department on 8269 5355.

- (5) Prior to the commencement of construction of the development herein approved, it is strongly recommended that you employ the services of a licensed Land Surveyor to carry out an identification survey of the subject land and to peg the true boundaries, to ensure that building work will be either on the true boundaries or the specified distance from the true boundaries of the subject land, as the case may be.

Failure to correctly site the development on the land in accordance with the plans approved herein would constitute a breach of the *Development Act 1993*. Any amendments required to the approved plans as a result of the survey are to be submitted to Council for approval prior to works commencing.

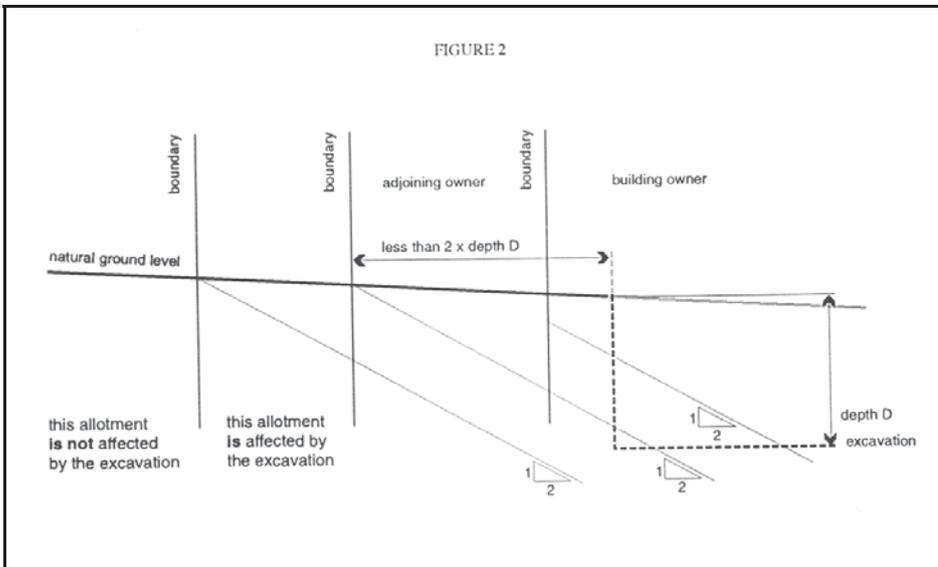
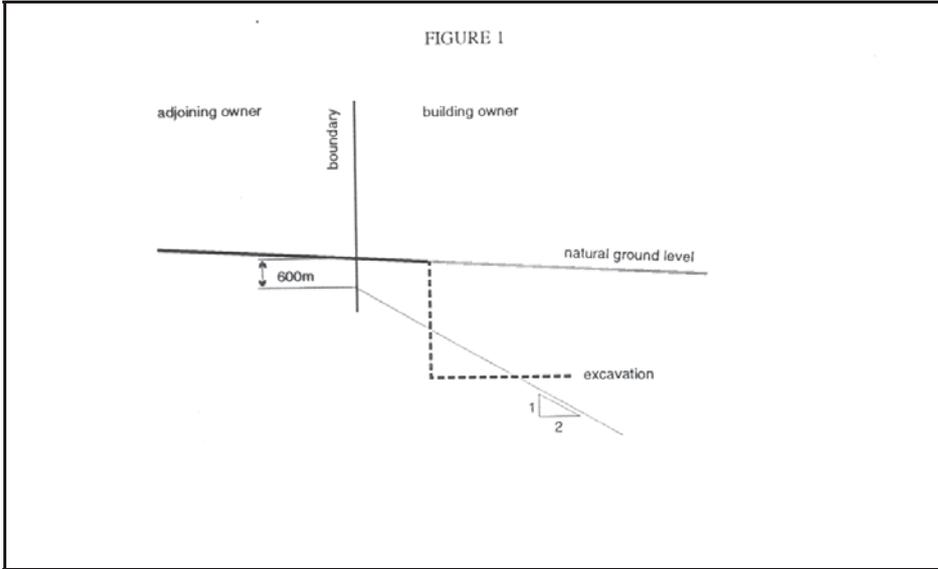
- (6) You are encouraged to consult with adjoining property owners before commencing any work, to assist in minimising nuisance or inconvenience caused during construction.
- (7) You are required to give formal notification to, and consult with, the adjoining property owner if you are removing, replacing or altering an existing fence or building a freestanding wall along the common boundary that would, for all purposes, be a dividing fence (Section 5 of the *Fences Act 1975*).
- (8) If you (the building owner) are undertaking building work that affects the stability of other land or premises, namely:
 - an excavation which intersects a notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point 600mm below natural ground level at a boundary with an adjoining site (as depicted in figure 1); or
 - an excavation which intersects any notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point at natural ground level at any boundary between 2 sites (not being a boundary with the site of the excavation), where the boundary is within a distance equal to twice the depth of the excavation (as depicted in figure 2); or
 - any fill which is within 600mm of an adjoining site, other than where the fill is not greater than 200 millimetres in depth (or height) and is for landscaping, gardening or other similar purposes;

Then you (the building owner) must, at least 28 days before the building work is commenced:

- a) serve on the owner of the affected land or premises a notice of intention to perform the building work and describing the nature of that work; and
- b) you must take such precautions as may be prescribed to protect the affected land or premises and must, at the request of the owner of the affected land or premises, carry out such other building work in relation to that land or premises as that adjoining owner is authorised by the regulations to require.

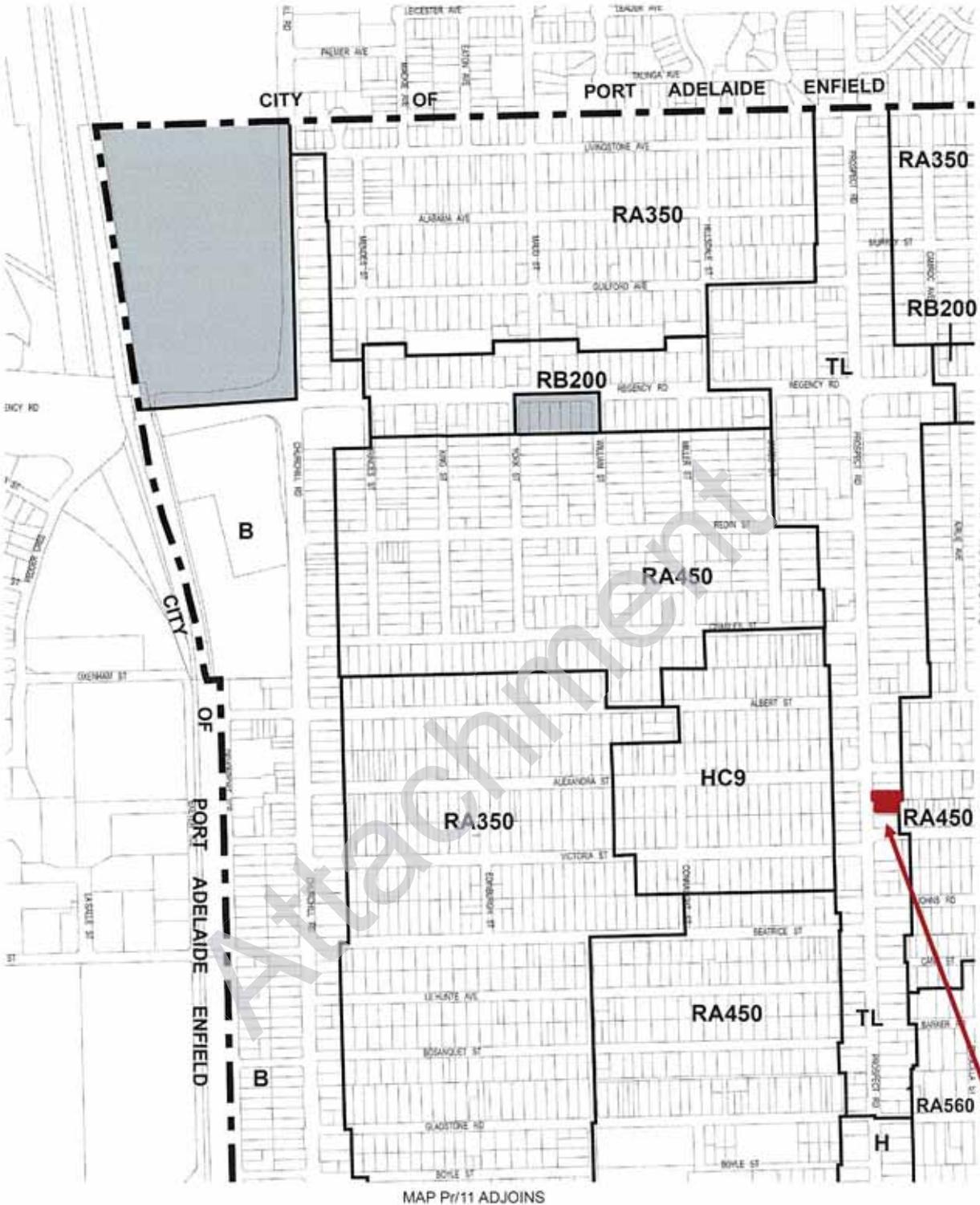
If you fail to comply with these notification requirements, then you are guilty of an offence with a maximum penalty of \$10 000.

You may apply to the Court for a determination of what proportion (if any) of the expense incurred by you in the performance of the building work requested by the owner of affected land or premises (under subsection (b) above) should be borne by the owner of that land or premises, and you may recover an amount determined by the Court from the owner of the affected land or premises as a debt.

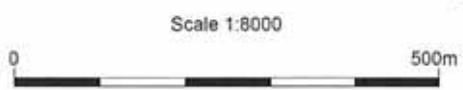


- (9) The draft Integrated Transport and Land Use Plan identifies *ProspectLINK* (a tram line running from Grand Junction Road along Prospect Road and O'Connell Street) as a medium to long term project. The exact timing of the proposed project is yet to be determined and the details of the road and tram track layout along Prospect Road will be subject to further investigations.

Scott McLuskey
Senior Development Officer Planning



- RA560 Residential Policy Area A650
 - RA450 Residential Policy Area A450
 - RA350 Residential Policy Area A350
 - RB200 Residential Policy Area B200
 - TL Transit Living Policy Area
 - B Boulevard Policy Area
 - H High Street Policy Area
 - HC9 Historic Conservation Area 9 Policy Area
-
- Policy Area Boundary
 - Development Plan Boundary
 - Area not covered by Policy



**PROSPECT COUNCIL
POLICY AREAS
MAP Pr/8**

Consolidated - 12 February 2014

Subject Land



Photograph of nearby properties south of the subject site



Photograph of adjacent properties north of the subject site



Photograph of Prospect Road streetscape north of subject site

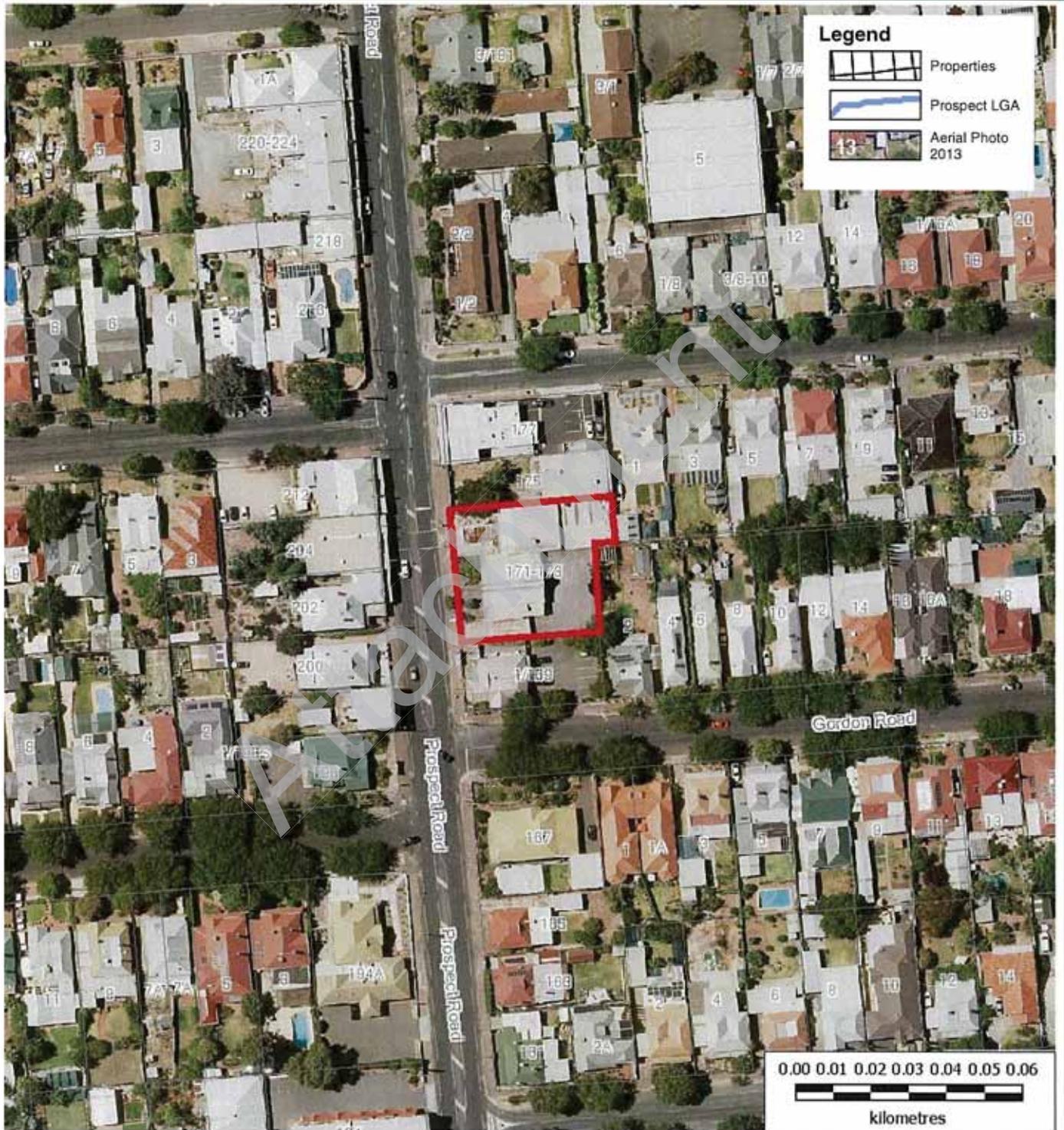


Photograph of Prospect Road streetscape south of subject site



Civic Centre
128 Prospect Road
Prospect SA 5082 AUSTRALIA
Telephone: 08 8269 5355
Email: admin@prospect.sa.gov.au

Subject Site



Notes

Disclaimer

This map is a representation of the information currently held by the City of Prospect. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

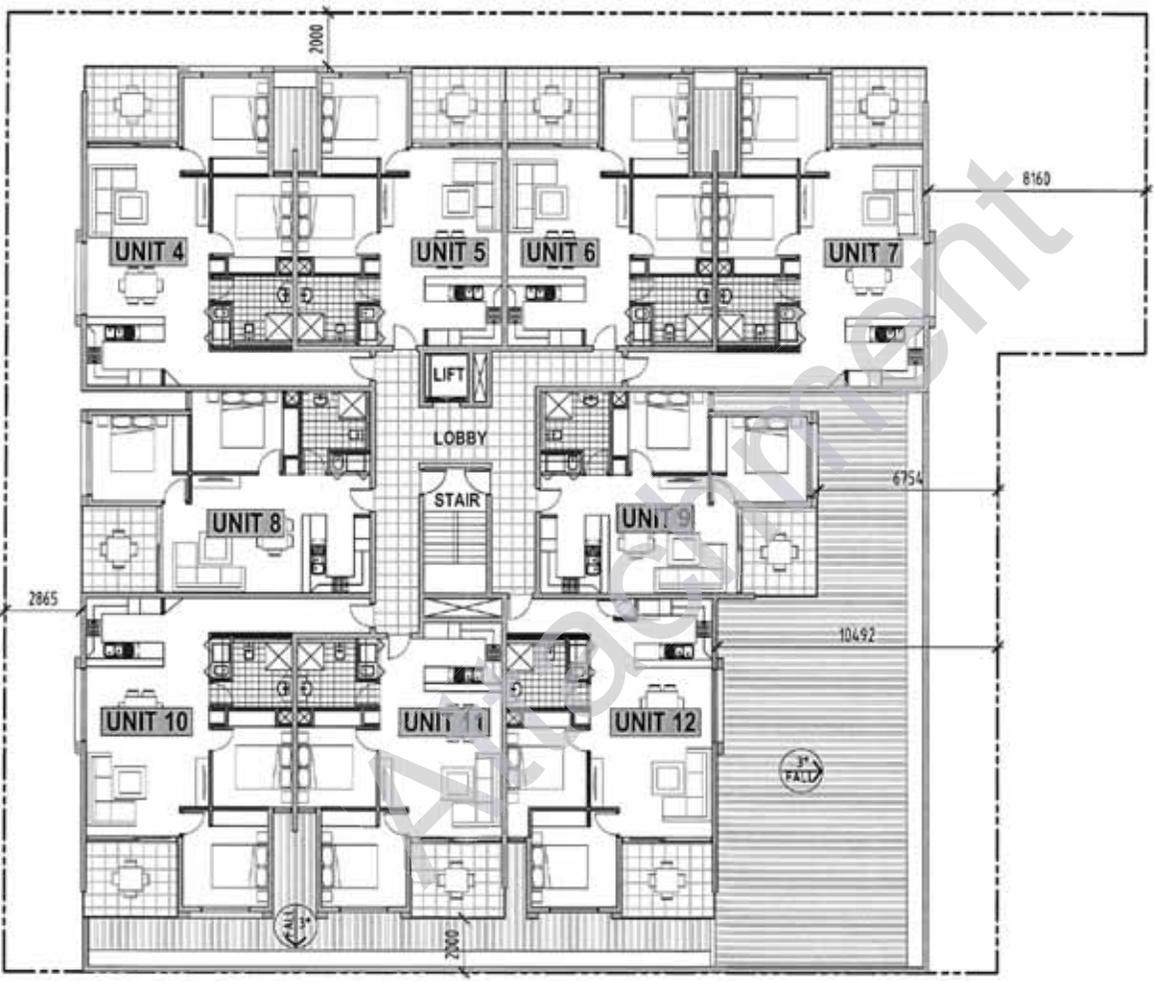


Photographs of subject site

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PROSPECT ROAD



LEVEL 2 FLOOR PLAN
SCALE 1:200

TOTAL AREAS

TOTAL APARTMENTS - LEVEL 2: 9
 AVERAGE m² PER APARTMENT: 87.16m²

TOTAL FOOTPRINT - 851.53m²
 CIRCULATION - 67.01m²
 APARTMENTS - 784.46m²



AMENDMENTS

REV	DATE	DESCRIPTION	WHO
G			
F			
E			
D			
C			
B			
A	20/02/15	FOR DA	GG

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 Cronulla, SA, 5048
 www.qattro.com.au

P: 08 9200 3000
 F: 08 9200 2206
 admin@qattro.com.au

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ADDRESS
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 PROSPECT

TITLE
 LEVEL 2 FLOOR PLAN

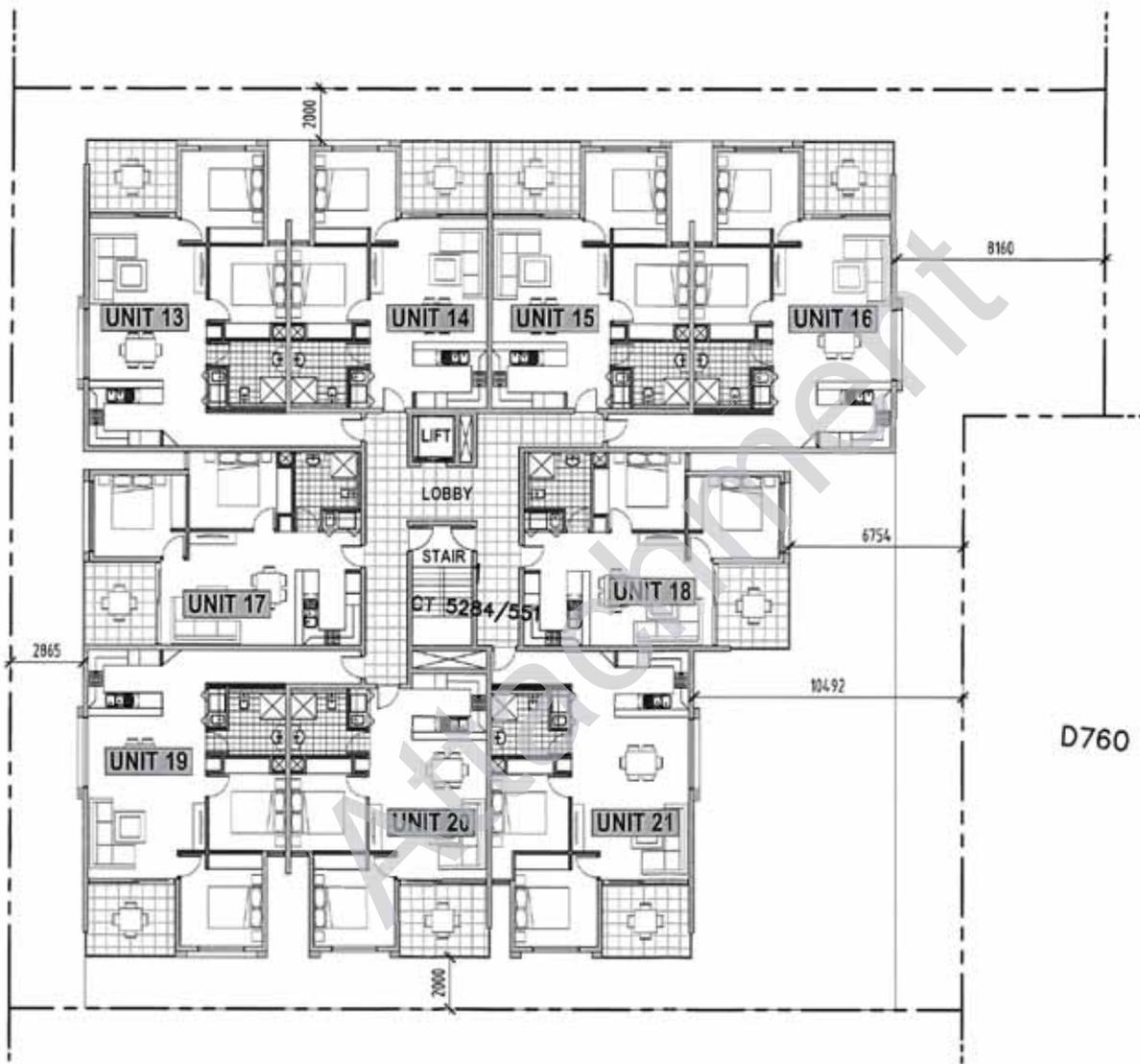
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 02 of 07

JOB NUMBER 11367	DRAWING SCALE AS SPECIFIED	REVISION A
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PROSPECT ROAD



TOTAL AREAS

TOTAL APARTMENTS - LEVEL 3: 9
 AVERAGE m² PER APARTMENT: 87.9m²

TOTAL FOOTPRINT - 85.53m²
 CIRCULATION - 67.87m²
 APARTMENTS - 784.46m²



AMENDMENTS

REV	DATE	DESCRIPTION	WHO
G			
F			
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B			
A	20/02/15	FOR DA	GS

LEVEL 3 FLOOR PLAN
 SCALE 1:200

QATTO

Level 1, 807 Anzac Hwy
 Glenelg, SA, 5045
 www.qattro.com.au

P: 08 9300 0000
 F: 08 9300 0200
 admin@qattro.com.au

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TITLE
 LEVEL 3 FLOOR PLAN

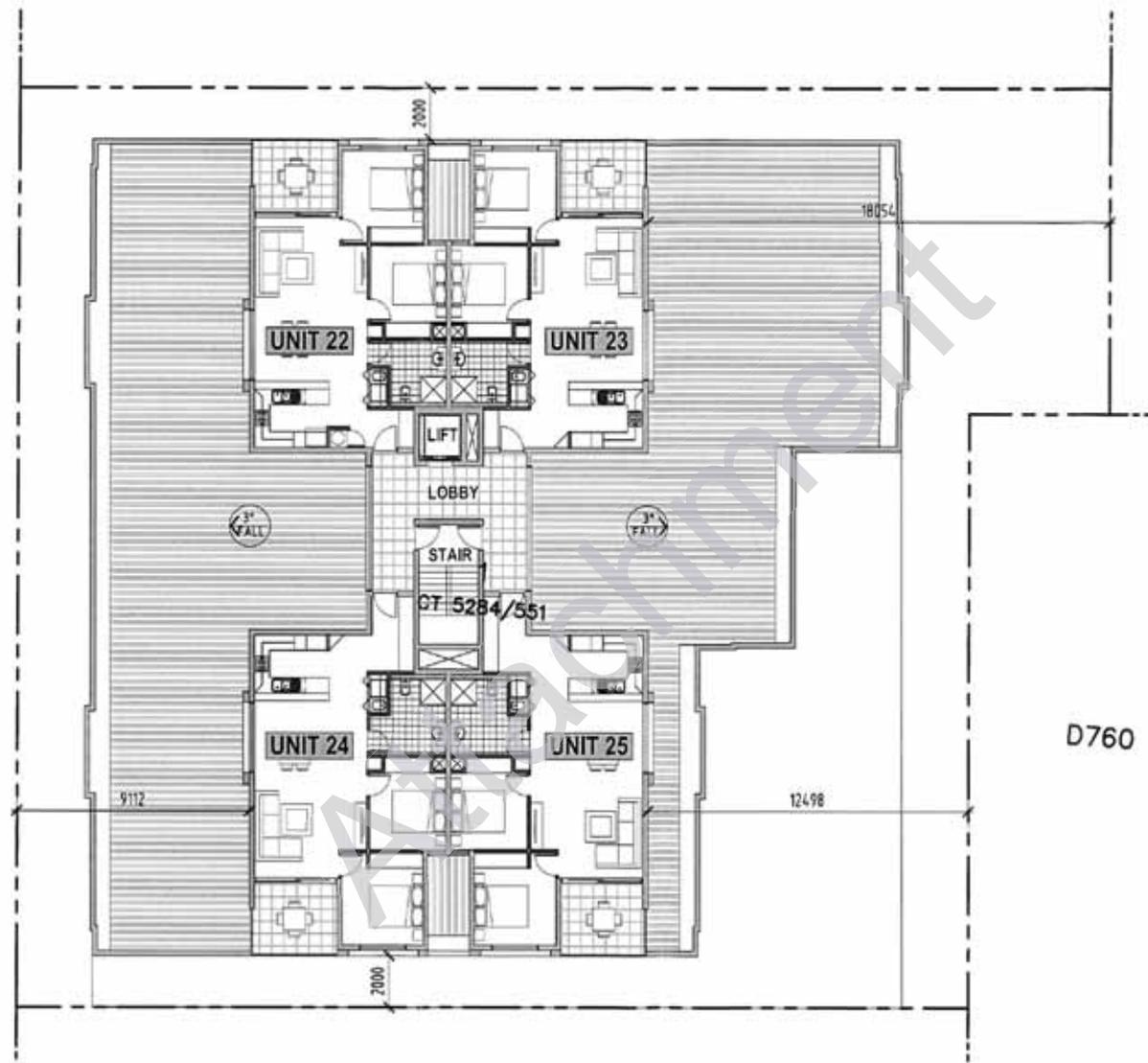
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 03 of 07

JOB NUMBER: 11367	DRAWING SCALE: AS SPECIFIED	REVISION: A
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PROSPECT ROAD



LEVEL 4 FLOOR PLAN
SCALE 1:200

TOTAL AREAS

TOTAL APARTMENTS - LEVEL 4: 4
AVERAGE m² PER APARTMENT: 88.10m²

TOTAL FOOTPRINT - 488.38m²
CIRCULATION - 47.97m²
APARTMENTS - 352.41m²



AMENDMENTS

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D760







Level 1, 637 Arzac Hwy
Sharnley, SA, 5042
www.qattro.com.au

P: 08 8283 5600
F: 08 8283 2898
info@qattro.com.au

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TITLE
LEVEL 4 FLOOR PLAN
DRAWING NUMBER
04 of 07

JOB NUMBER 11367	DRAWING SCALE AS SPECIFIED	REVISION A
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TYPICAL LEVEL 1 FLOOR PLAN

SCALE 1:100

LEGEND

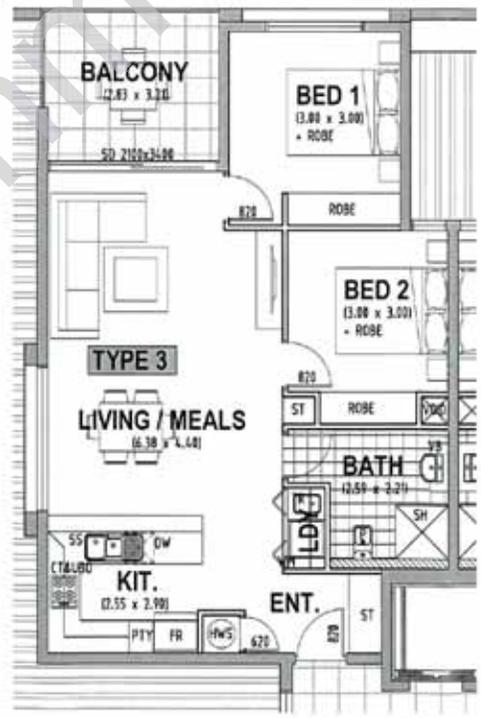
- P TOILET PAN
- VB VANITY BASIN WITH ASSOCIATED JOINERY UNIT
- SH SHOWER
- FR REFRIGERATOR
- DW DISHWASHER
- SS STAINLESS STEEL SINK
- CT & UBD COOK TOP & UNDER BENCH OVEN
- PTY PANTRY
- RH RANGE HOOD VENTED TO ATMOSPHERE
- WM WASHING MACHINE
- TR INSET TROUGH

AREAS (m ²)	TYPE 1	TYPE 2	TYPE 3
LIVING	78.35	66.56	88.88
BALCONY / C'YARD	21.17	13.43	11.35
TOTAL	91.52	79.99	98.18



TYPICAL LEVEL 2 & 3 FLOOR PLAN

SCALE 1:100



TYPICAL LEVEL 4 FLOOR PLAN

SCALE 1:100

AMENDMENTS			
REV	DATE	DESCRIPTION	WHO
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A	20/02/15	FOR DA	GS







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 GARDING, SA, 5013
 www.qattro.com.au

P: 08 8350 8000
 F: 08 8330 0280
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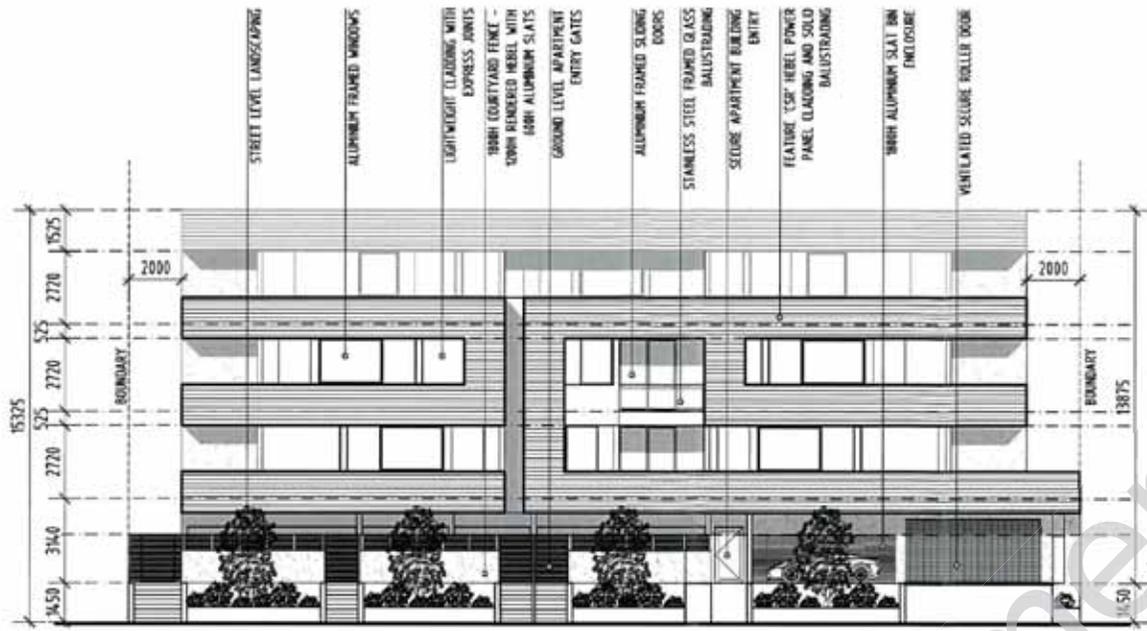
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 TYPICAL FLOOR PLANS

DRAWING NUMBER:
 05 of 07

JOB NUMBER: 11367	DRAWING SCALE: AS SPECIFIED	REVISION: A
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WEST ELEVATION - PROSPECT RD

SCALE 1:200



NORTH ELEVATION

SCALE 1:200

MATERIAL SELECTION



AMENDMENTS			
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 P: 08 8300 0600
 F: 08 8300 0166
 admin@qattro.com.au

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 LEVEL 4 FLOOR PLAN

DRAWING NUMBER:
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JOB NUMBER: 11367	DRAWING SCALE: AS SPECIFIED	REVISION: A
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EAST ELEVATION

SCALE 1:200



SOUTH ELEVATION

SCALE 1:200

AMENDMENTS			
REV	DATE	DESCRIPTION	BY/CD
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B			
A	20/02/15	FOR DA	GG



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Glorville, QLD, 4084
www.qattro.com.au

P: 08 6200 3000
F: 08 6200 0296
admin@qattro.com.au

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TITLE:
ELEVATIONS - SHEET 2

DRAWING NUMBER:
07 of 07

JOB NUMBER: 11367	DRAWING SCALE: AS SPECIFIED	REVISION: A
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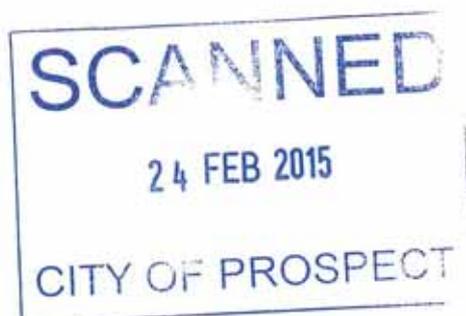
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171-173 PROSPECT ROAD PROSPECT



**ONE RESIDENTIAL FLAT BUILDING OF
FOUR-STOREYS CONTAINING TWENTY-
FIVE (25) TWO-BEDROOM APARTMENTS
INCLUDING AT-GRADE CAR PARKING
AND BICYCLE PARKING WITH
ASSOCIATED STORAGE AND
LANDSCAPING**



PLANNING REPORT

PREPARED BY QAT'TRO
FEBRUARY 2015

DOCUMENT CONTROL

REVISION	DESCRIPTION	AUTHOR	DATE
V1	Planning Statement (Draft)	DJG	20.02.15

Attachment

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Appendix 1	Certificates of Title
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EXECUTIVE SUMMARY

171-171 PROSPECT ROAD APARTMENTS

This application is for one four-storey Residential Flat Building containing twenty-five 2-bedroom apartments and associated at-grade car parking and landscaping situated within the Transit Living Policy Area of the Urban Corridor Zone.

Each dwelling will include two bedrooms, and has at least one (1) car parking space contained on-site on the ground level. There is also ample additional visitor parking provided on-site on the ground level, which is publically accessible. Whilst pursuant to the definitions contained within Schedule 1 of the Development Regulations this proposal consists of a residential flat building.

The proposed 'apartment building' provides a quality interface between Prospect Road and the adjacent Residential Zone.

This development incorporates a contemporary modern design with ground floor activation to maximise the visual amenity of the built form presenting to the street at ground level. The single crossover minimises the impact of pedestrian interruptions on the streetscape and maximises on street parking and minimises any interruption to an arterial road.

Street scape interest is provided through articulation and the level of detailing to each façade through variation in colours and materials. To assist the transition these dwellings have a combination of facades and balconies to prevent any unarticulated facades.

Dwelling areas range between 66.56m² and 86.68m² with additional private open space ranging between 11.35m² and 21.17m².

The proposal is considered to accord with the relevant provisions of the Development Plan and is recommended for approval.

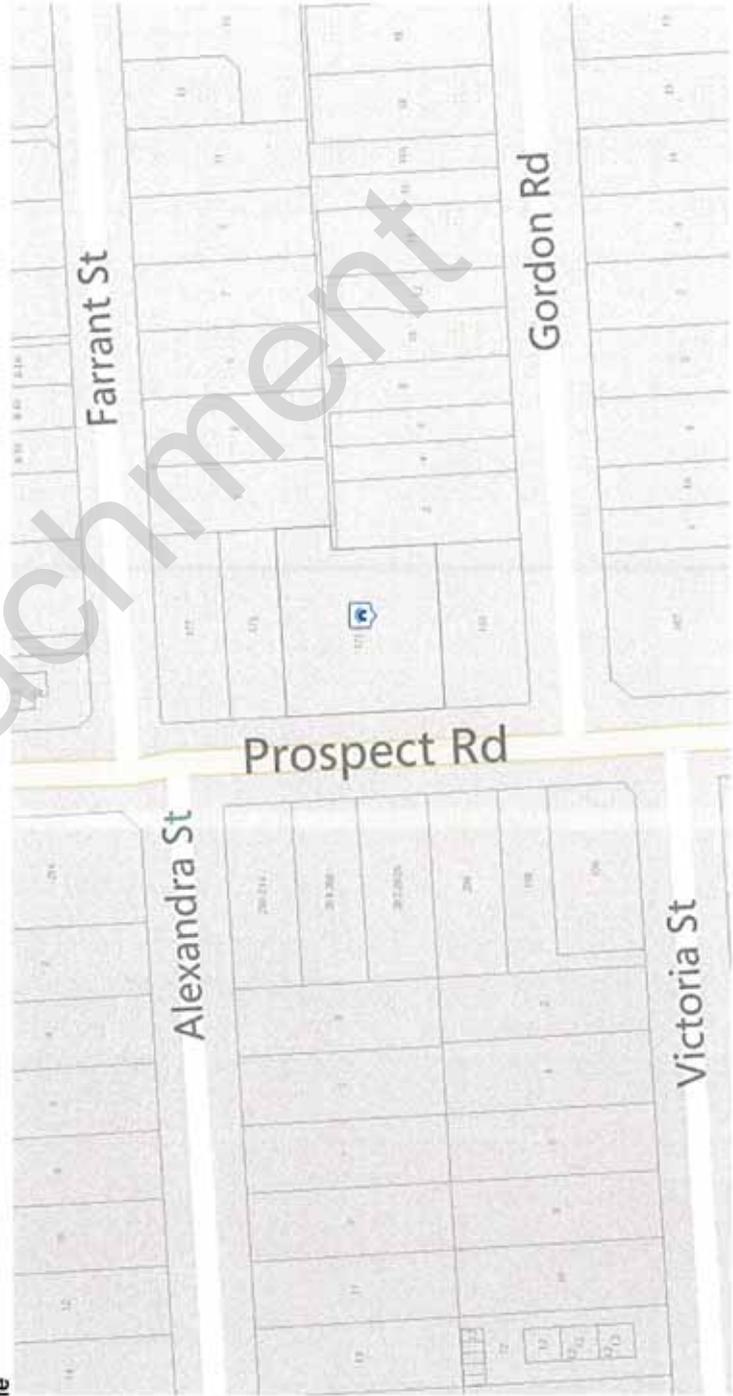
1. INTRODUCTION

1.1 Project Intent

171-173 Prospect Road, Prospect is an exciting new residential address located in the traditional leafy suburb of Prospect in Adelaide's fastest regenerating inner suburb of Adelaide. It is conveniently located less than 5km from the Adelaide CBD, 10km to the beach and minutes from North Adelaide.

Locally, this new residential address is in the immediate vicinity of the retail component of the village aspect of Prospect Road. Just down the road you will find Prospect Road Shopping Centre, Prospect Oval, Blackfriars Priory and the cafes and shops at along Prospect Road and North Adelaide.

Figure 1: Subject Site



Qattro's objective is to provide a comprehensive and sustainable redevelopment of the site providing twenty-five (25) dwellings comprising a range of apartment styles and products. The site will be developed with at-grade car parking, landscaping, building entry and street activation with three part-ground floor dwellings with three (3) level of apartments above to form of a residential flat building. Dwellings will be Community Title and will include high quality affordable product.

As can be seen from the site plan, the proposed apartment building will be accessed from Prospect Road in the form of a single driveway. The driveway has been located to minimise traffic interruption and remove the need for the relocation of any street infrastructure.

A private entry way will complete the access arrangements. This entry way at the street frontage to Prospect Road will be 6000mm in width for a length of approximately 26m before it dog legs where car parking spaces will be manoeuvred in and out of at ground level.

The ground floor dwellings will be arranged such that the interface to Prospect Road will have an active street frontage with ground floor access to three (3) dwellings. This will grade into three levels apartments above that will have a predominantly north-south orientation whilst still being articulated and fenestrated to Prospect Road.

The development will be undertaken in 1 stage. Development is proposed to commence in August 2015 in order to deliver a built form that reflects the principles of the Urban Corridor Zone and ambitions of the 30-Year Plan for Adelaide.

The development will be designed to link the built form of the village character south of the subject site to the adjacent mix of retail, commercial and residential land uses, providing a high level of amenity for both residents of the new development and existing residents.

Crime Prevention through Environmental Design techniques will provide additional safety for residents and those traversing to and from the development.

Environmental sustainability will be another key design driver with water sensitive urban design techniques included throughout.

The development will seek to reinforce the use of public transport (the site is serviced by a bus stop in front of the site) and alternative transport such as walking and cycling. The proximity of the site to the bus stop provides good, safe connectivity, to other centres such as the CBD and North Adelaide. Cycling and walking will also promote a healthy lifestyle which accords with Council and Government strategic priorities.

1.2 The Applicant

The applicant for this project is Qattro Built Pty Ltd, of Level 1, 607 Anzac Highway Glenelg for the purposes of this application.

Qattro is a South Australian owned and operated property group, specialising in:

- Medium to High Density Urban Infill Residential Development;
- Planning, Design, Engineering and Approvals;
- Construction - Residential & Commercial; and
- Project Marketing & Sales.

Mr Dylan Grieve, Qattro Planning Manager, will be the key contact for Qattro for the purpose of this application.

1.3 Application - summary

This site fronts Prospect Road and will provide 25 two-bedroom apartment style dwellings within a Residential Flat Building. The Residential Flat Building is classified for the purposes of the planning assessment as Residential Flat Building.

Each dwelling will include two bedrooms and a car parking space for at least 1 car parking spaces per dwelling, for a total of 28 car parking spaces within the development. There is also ample additional visitor parking provided on-site that is easily accessible.

The proposed apartment building provides a complimentary development to the Urban Corridor Zone along Prospect Road that takes the form of a contemporary design abutting commercial and retail buildings with design elements reflecting the residential nature of surrounding built form and the built form envisaged in this Zone. The apartment building incorporates a variety of contemporary external and internal designs, predominately north-south orientation, with ground floor street activation to minimise non-descript walling on the streetscape, and modern façade and balcony treatments.

A more detailed overview of the apartment building and its proposed specifics is provided as part of Section 3 of this planning report.

Copies of the proposal plans are included at Appendix 2.

1.4 Strategic Context

The plans referred to in this section are not development control documents. Nevertheless these plans articulate State and Council strategic directions that inform development policy and therefore provide context to the development of the site.

1.4.1 30 Year Plan for Greater Adelaide

The 30 Year Plan for Greater Adelaide published in 2010, is the relevant section of the Planning Strategy pursuant to section 22 of the Development Act 1993 covering this site.

The Planning Strategy presents current State Government planning policy for development in South Australia. In particular, it seeks to guide and coordinate State Government activity in the construction and provision of services and infrastructure that influence the development of South Australia. The Plan has been prepared by the Government to guide the community, local government, business and industry. It also indicates directions for future development to the community, the private sector and local government.

The main aim of the Plan is to outline how the South Australian Government proposes to balance population and economic growth with the need to preserve the environment and protect the heritage, history and character of Greater Adelaide. The Plan seeks to create inclusive, vibrant and livable communities, while protecting the regional hinterlands and primary production lands and sustaining natural resources.

Finally, the Plan is one of the key tools to assist the State Government, local government and the entire community in building resilience to the risks and impacts of climate change.

To meet the demands of a larger population and household needs, the Plan outlines a vision for a 'new urban form' including:

- *Concentrating new housing in existing areas;*
- *Locating new housing and new jobs in transport corridors;*
- *Placing an emphasis on good design and creating unique precincts;*
- *Creating vibrant mixed-use precincts;*
- *Achieving a diversity of dwelling types;*
- *Water and energy efficiency; and*
- *Greenways and a network of open spaces.*

1.5 Procedural Matters

The site is located within the City of Prospect Council area and as such is subject to the provisions of the City of Prospect Development Plan. The relevant Development Plan version was consolidated on Consolidated – 31 October 2013.

The subject site is wholly contained within the Urban Corridor Zone – Transit Living Policy Area. This application is for residential development. Although in this configuration the residential development is neither complying nor non-complying and accordingly must be assessed on its merits. The zone specifically contemplates residential development of varying forms and densities within this locality.

In accordance with Schedule 9 of the *Development Regulations 2008* this application is specifically listed as Category 1 for the purposes of notification.

Attachment

2. THE SITE AND LOCALITY

2.1 The Site

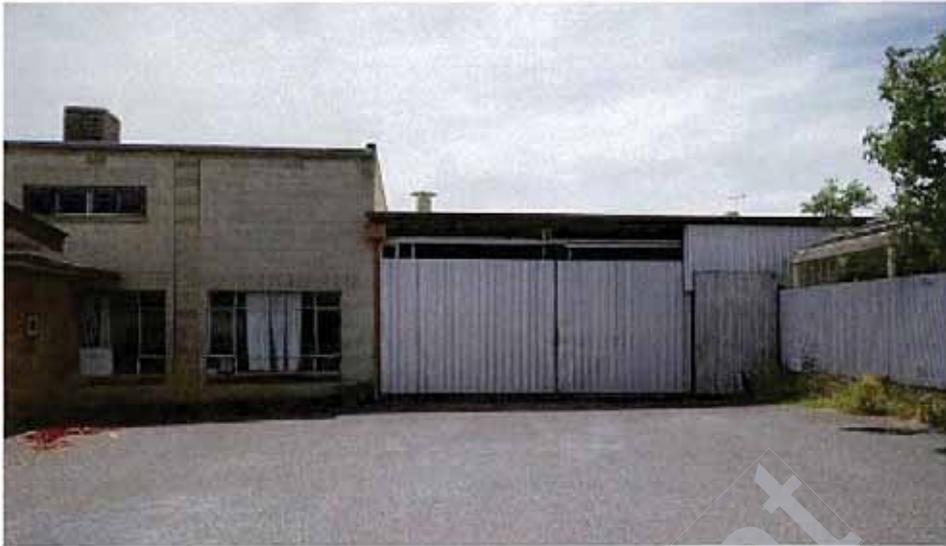
The total site area of 171-173 Prospect Road is approximately 1367m² in area and is located on the eastern side of Prospect Road, Prospect. The site of 171-173 Prospect Road comprises the land fronting to Prospect Road as is shown below.



The 171-173 Prospect Road site, exhibits a generally rectangular form and is regular in shape. The street frontage is 35.66m. The southern boundary is approximately 37m. The northern boundary is approximately 42.68m.

The land is wholly contained within the Urban Corridor Zone – Transit Living Policy Area. Land either side of the site also lies within this zone.





The land falls from eastern boundary at its highest point to the west by approximately 2m over the length of the site.

The site has good access to all services, gas, water, sewer, power and telecommunications.

Aboveground power lines run along the Prospect Road frontage of the site.

There is street infrastructure, including a stobie pole, pedestrian crossing, street and street signs that have determined the proposed access points to the site.

The site of 171-173 Prospect Road is approximately 1367m². Individual dwelling sizes range between 66.56m² and 86.68m² with additional private open space ranging between 11.35m² and 21.17m².

The site is currently used as a Dance Hall. The nearest residences are adjoining the site to the east.

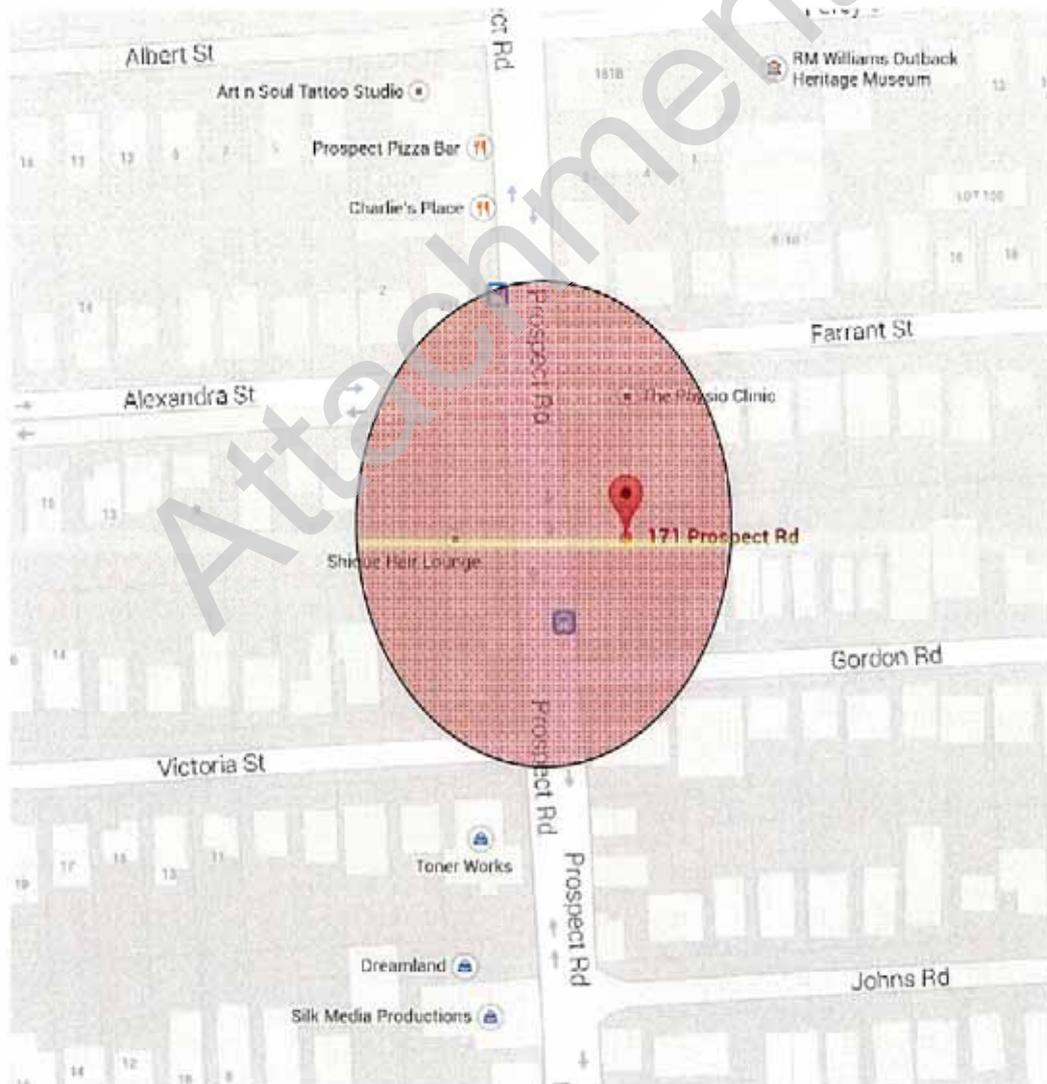
Attachment

2.2 The Locality and Neighbouring Development

The locality for the purposes of this assessment is defined as the land within the area bounded by Farrant Street to the north of the site, while moving south Gordon Street bounds the immediate locality. Moving west the immediate locality is bounded by the adjacent shops and retail and commercial land uses. To the east of the site the immediate locality is comprised of the Residential Zone with primarily single-storey dwellings.

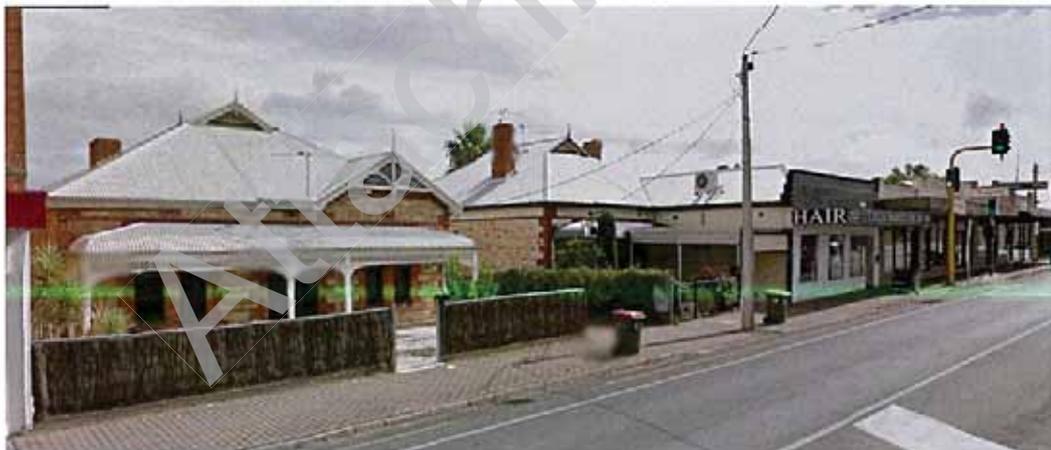
The locality (and wider area of this western portion of Prospect and Prospect Road generally) has a mixed commercial and residential character, which is predominately residential in nature:

Residential land uses of varying styles, densities and ages are the predominant land use within the locality.





Selbacks of existing buildings along Prospect Road to the north of the subject site are generally fairly uniform and are within close proximity of the footpath boundary.



On the western side of Prospect Road there is a mixture of commercial / retail development.

3. DESCRIPTION OF THE PROPOSAL

3.1 Overview

The completed development will provide for twenty-five (25) dwellings configured in a mix of two-bedroom dwellings in the form of four-storey residential flat building. Dwellings will be Strata Community Title and will include purpose designed and built high quality affordable product.

The dwellings will be arranged such that the interface to Prospect Road will be abutting the development. The building will be setback consistent with adjoining development to the north and south.

Twenty-eight (28) car parking spaces will be provided at-grade, while ten (10) bicycle parks and twenty-two (22) storage cages will be provided on the ground floor.

3.2 171-173 Prospect Road Apartments

The Apartment building fronts Prospect Road and will provide 25 two-bedroom apartments in the form of a four-storey residential flat building.

Each dwelling will include two bedrooms and provision for at least one vehicle space at ground level. A total of 28 car parking spaces will be provided for the 25 apartments, with the surplus to serve as visitor parking. In addition there is ample visitor parking provided that is publically accessible.

The proposed Apartment building will provide an interface between the retail and commercial land uses of the busy arterial route of Prospect Road and the adjacent Residential Zone. The design elements reflect the mixture of residential and commercial uses in a mixed-use village precinct. The proposed apartment building will reflect on the modern vernacular and incorporates some strong horizontal elements and will engage with the street at ground level.

The proposed apartment building comprises a number of dwelling types. Individual dwelling sizes range between 66.56m² and 86.68m² with additional private open space ranging between 11.35m² and 21.17m².

The main façade of the building at ground level has a setback of 3m and will have courtyards between the building façade and the property / footpath boundary which will act as private open space for the ground floor dwellings. Articulation of this façade will engage with the street and create an interesting and a built form of high amenity.

The balconies on the western façade of the apartment building to Prospect Road will sit within the main face of the building, but provide additional articulation, effectively defining the ground floor level and apartments that sit above. Additionally, this will add visual interest breaking up the facades of the dwellings and providing high levels of interest. To enhance the level of articulation in the building face the upper storey facades are reflective of the allotment shape to provide an interesting built form. Each dwelling has a balcony. The balconies range from approximately 11.35m² to 21.17m².

The building is set back from the respective non-public boundaries by varying distances as demonstrated by the floor plans and as described below:

- The ground floor is setback from the rear boundary by approximately 17.2m and 24.8m. The front setback is 3m and the side setbacks are 2m.

- Levels 2 and 3 are setback at its nearest point at approximately 2.6m from the rear boundary, however this is for a boundary length of less than 2m before the allotment boundary extends east and the setback is approximately 8.2m from the rear boundary. The building tapers in to follow the setback of the eastern boundary where the setbacks from the rear boundary are 6.8m and 10.8m. The front setback is 3m and the side setbacks are 2m.
- Level 4 front setback is approximately 8.5m and 14m. The side setbacks are increased from the floors below and are at approximately 2.4m. The rear setbacks are further increased to 12.5m, 17m and 18m dependant on the building articulation.

The balconies facing Prospect Road will enable passive surveillance.

Provision has been made a storage room in the car-park to enable easy storage of items external to the dwellings.

The living areas and kitchen are separate to the master bedroom, walk in robe, ensuite and separate toilet. The second bedrooms and laundry, the entry and a family bathroom facilitate a large and useable living area.

As per the attached plans the 25 dwellings are noted residences 1 to 28.

The proposal includes 3 styles of dwellings. Table 1 below sets out the metrics of each dwelling style

Table 1: Dwelling style metrics

Dwelling Type	Living Area	Balcony / Courtyard
Type 1	70.35m ²	21.17m ²
Type 2	66.56m ²	13.43m ²
Type 3	86.68m ²	11.35m ²

Air-conditioning units are proposed to be placed on the roof of the apartment building and are set away from the boundaries.

Facades will include a verity of treatments including light weight materials rendered with a textured coat, glass balustrades, feature cladding and aluminium doors and windows and feature tiles.

The full set of Development Proposal Plans is available in Appendix 2.

3.3 Design Philosophy

The design concept for the urban design of this apartments building focuses on the idea of transition between the urban realm of the retail and commercial land uses along Prospect Road and the adjoining Residential Zone while anticipating further Urban Corridor development in the future.

"Through changes in the materiality and topography of the ground plane, and the use of vertical structural elements, the journey between these two environments will be uniquely defined, while also creating distinct residential quality with passive surveillance over a natural community place at its centre, where the Urban and Natural qualities meet."

This design philosophy has underpinned the fabric of the development to ensure that the underlying building elements façade treatment provides high levels of connectivity to the Residential Zone and surrounding retail and commercial land uses both visually and physically.

The philosophy has also informed material and colour selections of the building and urban spaces and, landscaping layouts and species to ensure that the interface between the urban and the natural is recognised and defined whilst nevertheless providing a tangible link.

3.4 Crime Prevention Through Environmental Design

The proposal has been developed with the principles of Crime Prevention Through Environmental Design in mind.

As a residential development the site will be activated for extended hours providing for high levels of passive surveillance of the public spaces and the links to Prospect Road.

Throughout the design attention has been paid to providing good legibility and visual access ways with good sightlines. Concealment and entrapment points are avoided.

Passive surveillance of Prospect Road will occur from the ground floor home office rooms and balconies and front garden spaces of the dwellings.

The views over Prospect Road will maximise safety by having an open feel and access. The space will be illuminated at night by strategically placed street lights.

Landscaping techniques and plant selection has been based around ensuring public safety.

3.5 Design, Appearance and Visual Impact

The apartment building is designed to be contemporary, but to sit comfortably with the neighbouring buildings and the topography of the site.

The building designs take cues from the surrounding environment and existing developments within close proximity, while establishing a precedent of quality design.

3.5.1 Building Design

The proposed apartment building will provide an interface between Prospect Road and the adjacent Residential Zone with design elements reflecting the mixture of residential and commercial uses in a mixed-use adaptable development. The apartment building will reflect on the modern vernacular and incorporates some strong horizontal elements and will engage with the street at ground level.

The main façade of the building at ground level has a setback of 3m from the property / footpath boundary. Articulation of this façade will engage with the street and create an interesting and a built form of high amenity.

3.5.2 Height

The apartment building is proposed to be four-storeys in height. This includes at-grade car parking with three apartments at grade level, nine apartments on levels 2 and 3 and four apartments on a 'part' level 4, for a total building height of 15 metres.

Whilst the building height is marginally above the three-storey – 11.5m height limit, the fourth level has been sensitively designed to minimise and mitigate against its impact. The fourth level contains significantly less building envelope and has been designed to minimise being in the sight lines of adjoining and adjacent properties with the immediate locality. Whilst the proposed building is marginally higher than the Development Plan anticipates the visual impact is minimised by being within the 45 degree plane when measure from 3 metres above the rear boundary.

3.5.3 Setbacks

The main façade of the dwellings at ground level have zero setbacks and define the street edge. The balconies are cantilevered to sit further forward effectively breaking up the facades of the dwellings and providing high levels of interest. To enhance the level of articulation in the building face the upper storey facades are generally consistent with the facades of the lower levels with a north western facing balcony of approximately 12m² running the width of the dwelling.

Rear (east) setbacks to the apartment building are staggered. More specifically the rear setbacks vary between on boundary at the closet points of the ground floor extending to approximately 15m. The upper floors are set further back slightly more.

3.5.4 Materials and Finishes

Facades will include a variety of treatments including light weight materials rendered with a textured coat, glass balustrade, feature cladding and aluminium doors and windows and feature tiles.

3.6 Environment

3.6.1 Energy Efficiency

All dwellings in the development will achieve a six star energy rating that will be detailed at the building rules design stage.

Energy efficiency initiatives will include wall and ceiling insulation, appropriate glazing, lighting and weather seals around door and window openings.

3.6.2 Landscaping

Landscaping is proposed to unify the development, and provide greenery in the car park area which is predominately concrete. The combination of these elements will soften a traditional hard atmosphere.

Plant selection for the proposed apartment building has been considered based on:

- Character and amenity;

- Appropriateness to climate and site;
- Habitat value;
- Maintenance requirements; and
- Crime prevention and personal/community safety.

3.6.4 Acoustic

The development being a residential apartment building is of itself not likely to cause undue noise.

The site is adjoining and adjacent other future residential land uses to the north, south and east and as such is unlikely to be negatively impacted by noise from those land uses.

Prospect Road adjoins the site which is an arterial road. Accordingly, a solid wall is proposed at this interface to mitigate any noise impacts from the roadway. Prospect Road has been observed to be quiet when outside of business hours. The apartment building is sited back from Prospect Road by 3m from the property boundary. It is also elevated above the road and footpath height therefore the distance and terrain provide a natural noise barrier.

3.6.5 Light

The development is unlikely to cause or suffer from light overspill.

3.6.6 Regulated Trees

The site is currently being used as a Dance Hall and has two buildings on the site.

3.6.7 Stormwater Management

An integrated stormwater management system has been designed for the apartment building and the site as a whole.

RCI has been commissioned to undertake an assessment of site and develop a storm water management plan.

The site generally grades towards Prospect Road and that forms a natural discharge point.

The proposed stormwater solution for the fully developed site will be managed via pipes and WSUD techniques.

Use of rainwater tanks is integral also to the stormwater treatment train.

3.6.8 Waste Management

The dwellings proposed within the proposed apartment building include twenty-five (25) two-bedroom dwellings

These properties therefore can be serviced by a private contractor using an 8.8m MRV that can generally manoeuvre throughout the street network.

3.7 Interfaces with surrounding land uses

3.7.1 Design

The overall development has been designed to interface with the existing development and future development in and around the Prospect Road Transit Living Policy Area and adjacent Residential Zone.

The development is proposed to interface between the single-storey detached dwellings fronting Farrant Street and Gordon Street and the mixture of character and land uses along Prospect Road.

The apartment building will be individualised and articulated to reinforce the individual nature of the dwellings.

The proposed apartment building is therefore considered to interface well with existing and proposed surrounding developments.

3.7.2 Shadowing

This development is part of an integrated medium density mixed use policy area and the design has incorporated consideration of overshadowing to ensure that all apartments and dwellings have appropriate access to sunlight.

The design has proposed dwellings that will not be unduly overshadow adjacent development. Specifically these proposed dwellings will have access to sunlight for multiple hours during mid-winter, being the time for which there is the most critical need for sunlight. Having open space predominantly facing north and south enables access to reasonable amounts of sunlight during the middle of the day.

The proposed apartment building will cause negligible shadowing over existing development to the south and east. Some shadowing will be caused, however this is anticipated and will be primarily shadowing blank facades and will therefore create a negligible shadowing impact.

Overall shadowing from proposed apartment building is considered to not impact negatively in accordance with the principles of the Urban Corridor Zone and Transit Living Policy Area.

3.8 Heritage

The locality has no specific listed European heritage sites.

3.9 Vehicular Traffic, Access, Movement and Car Parking

3.9.1 Traffic Impact

The development has been designed and planned with safe and convenient vehicular traffic movement considered, both within the confines of the site and its access and egress to and from the site.

In terms of the traffic impacts, the development of this site will have no appreciable traffic impacts and would have an insignificant impact on the existing road network.

3.9.2 Car parking

Based on Council's Development Plan, the statutory parking requirement for the proposed development is 32 car parking spaces for the twenty-five apartments.

Given the residential nature of the development, and the car ownership of purchasers in similar developments, it is considered that the parking provision of 25 car-parking spaces plus three visitor car-parking spaces is satisfactory.

3.9.3 Manouvreability

Access to car parking spaces will be from a common driveway to and undercover car parking area. Vehicles will be able to turn directly into and out of the car parking space and enter and egress from the site in a forward direction via Prospect Road.

3.9.4 Facilities for Cyclists

There is storage provision for ten bicycles located on the ground floor and they are easily accessible in the common area.

3.10 Pedestrian and Cyclist Connectivity

The proposed apartment building provides a high quality and visible pedestrian entry statement at ground level on Prospect Road.

Cyclists can also access the apartment building via this pedestrian entry as well as the motorised vehicle entry point via Prospect Road.

3.11 Social Infrastructure

The overall development is relatively small in terms of needing to provide social infrastructure.

Given the ease of access to Prospect Road and adjacent areas of North Adelaide and the Adelaide CBD, ovals and parks for active recreation, the residents of the proposed apartment building will be provided with a location that presents:

- Facilitation of passive community meeting (group bbq/ picnic/ etc); and
- Provision of visual relief and interest (green space/ borrowed views).

The development is proposed to support the existing social infrastructure within the area and will provide approximately forty additional residents to support the Prospect Road community. This precinct includes a range of retail and community type facilities. The residents are also likely to support the nearby recreation centre, the cafes and shops in North Adelaide, Churchill Road and Enfield.

The proposed apartment building will not generate demand for additional social services.

4. CITY OF PROSPECT DEVELOPMENT PLAN: CONSOLIDATED – 31 OCTOBER 2013

4.1 Overview

The subject land is located within the Urban Corridor Zone – Transit Living Policy Area of the City of Prospect Development Plan: Consolidated – 31 October 2013.

In terms of Development Plan considerations, the relevant Council-wide provisions will be reviewed in the first instance, followed by the Zone provisions.

The section headings below reflect those contained within the Development Plan for ease of reference. Given the volume of provisions in the Development Plan, only those provisions deemed to be of relevance to this application are considered. Reference to material from the Development Plan is in italics. Where appropriate within the section headings, Objectives and/or Principles of Development Control have been grouped.

4.2 City Wide

Form of Development

Objective 1: Creation of a dynamic and attractive environment offering a range of shopping, administrative, cultural, community, educational, religious, recreational, entertainment, commercial and residential facilities.

Objective 2: Creation and maintenance of a safe and attractive living environment.

Objective 3: Minimisation of the impact of retail, commercial and industrial development upon residential development.

Objective 4: Creation of nodes of higher density living along main roads and around centres.

Medium and High Rise Development (3 or More Storeys)

Objective 17: Medium and high rise development that provides housing choice and employment opportunities.

Objective 18: Residential development that provides a high standard of amenity and adaptability for a variety of accommodation and living needs.

Objective 19: Commercial, office and retail development that is designed to create a strong visual connection to the public realm and that contributes to the vitality of the locality.

Objective 20: Buildings designed and sited to be energy and water efficient.

Appearance of Land and Buildings

Objective 29: Harmonious integration of new development with the old.

Objective 31: Minimisation of the adverse impacts of advertisements on the urban environments.

PRINCIPLES OF DEVELOPMENT CONTROL

Form of Development

- 1 Development should be in accordance with the Prospect Plan, Map Pr/1 (Overlay 1).
- 2 Development should be orderly and economic.
- 3 New housing and other urban development should:
 - (a) form a compact and continuous extension of an existing built-up area;
 - (b) be located so as to achieve economy in the provision of public services; and
 - (c) create a safe, convenient and pleasant environment in which to live.
- 4 Land designated for living, working and recreational activities should be used only for those purposes.
- 5 Development in localities having a bad or unsatisfactory layout, or unhealthy or obsolete development, should improve or rectify those conditions.
- 6 Development should only occur on land suited to such development and where it is compatible with other development in the locality.
- 7 The building and site design of any development should make use of and complement the existing topography and landscape and views from the site.
- 8 Development should cater for the safety of its users by providing ramps and other elements to foster ease of movement by the disabled, elderly and persons with small children convenient to major building entrances.
- 9 Public areas in any development should incorporate features designed to enhance the safety of users.
- 10 Development should be designed and sited to maximise the conservation of energy.

COMMENTARY

The proposed use of the land is orderly and economic. Specifically the development will create a safe and pleasant living environment by providing high levels of community safety, accessibility and amenity.

The site is suitable for the intended use and is not known for hazards or flooding. Stormwater can be managed appropriately as has been demonstrated by the stormwater plan.

The land is appropriately located amid land developed or being developed for residential purposes and thus will not impact upon nor be impacted by surrounding land uses as there is a high level of compatibility.

The development will support the efficient use of existing infrastructure and services and facilities such as public transport and the retail, service and commercial, health, medical and recreational facilities within the locality. It forms a compact infill of an urban area currently being established.

The provision of a four-storey apartment building containing twenty-five (25) dwellings provides for a compatible and appropriate development in the locality.

The design of the building is such that it encourages ground level street activation and passive surveillance over the public street.

Overall, the apartment building proposal is considered to accord closely with the above provisions of the Development Plan and the proposal is and will lead to the attainment of orderly and sustainable development.

Residential Development

Residential development within all zones within the Council area should satisfy the following Principles of Development Control, which comprise performance criterion and may include one or more associated design techniques. They are additional to those expressed for the Residential Zone.

Building Appearance and Neighbourhood Character

44 Residential development should:

- (a) protect existing site features, including significant trees and vegetation, natural creek lines and items or features of conservation or heritage value;
- (b) minimise the need for cut and fill;
- (c) provide sufficient open space for the planting of trees to complement an existing treed landscape character or to enhance the landscape character of a neighbourhood deficient in trees;
- (d) protect neighbouring trees from damage to their root systems; and
- (e) incorporate building faading designs, where necessary and cost effective, that allow root growth of existing large trees.

45 Building appearance should be compatible with the desired character of the locality, in accordance with the relevant Zone or Policy Area, in terms of built form elements such as:

- (a) building mass and proportion;
- (b) materials, patterns, textures, colours and decorative elements;
- (c) ground floor height above natural ground level;
- (d) roof form and pitch;
- (e) facade articulation and detailing and window and door proportions;
- (f) verandahs, eaves and parapets; and
- (g) driveway crossovers, fence style and alignment.

46 The floor space and bulk of a residential building, and the space around the building, should be appropriate to the locality in which the building is to be erected.

47 Dwellings adjacent to streets should include doorways or fenestration facing towards the primary frontage.

48 The frontage of buildings should address the street or where applicable street corners.

49 Entries to dwellings should be clearly visible from streets which they front so that visitors can easily identify a particular dwelling.

50 The visual bulk of buildings adjacent to street frontages and adjoining allotments private open space should be reduced through design techniques such as colour, building materials, detailing and articulation.

51 Carports and garages should be compatible with the building design and adjacent development in terms of height, roof form, detailing, materials and colour.

52 For each dwelling the maximum width of garage or carport opening that faces the street should be six metres or 50 percent of the frontage of the site whichever is less.

53 Fences and walls as part of development abutting streets (excluding service lanes) should:

- (a) be compatible with the associated development and with attractive fences and walls in the locality;
- (b) enable some presentation of buildings to the street to enhance safety and surveillance;
- (c) ensure traffic visibility at intersections in accordance with relevant legislation; and
- (d) where located between a building and the primary frontage and where there is a difference in height between two fences or walls, include a transition with a slope no greater than 30 degrees.

54 Large residential developments should incorporate architectural features which reduce their bulky appearance and add visual interest such as:

- (a) Variations in height, roof style and pitch, colours and building materials.
- (b) The provision of balconies and porches.
- (c) Variations in the set back of different portions of the buildings.
- (d) Inclusions of murals, architectural relief or sculptured forms on blank walls.
- (e) Incorporation of architectural elements of adjoining buildings.

On-site Car Parking and Access

Parking Provision

56 Except where varied by zone and/or policy area provisions, residential flat buildings containing dwellings with an average floor area of less than 75 square metres and with an average number of bedrooms per dwelling no greater than 2, should provide on-site car parking at a rate of one covered parking space per dwelling and one unrestricted access visitor parking space for each dwelling.

Design

59 Car parking facilities should be designed to conveniently, efficiently and appropriately serve users by:

- (a) Being reasonably close and convenient.
- (b) Being secure and allowing surveillance from dwellings.
- (c) Not obscuring the view of the street from main front windows of dwellings.
- (d) Minimising the impact of car headlights onto the windows of adjacent dwellings.
- (e) Clearly defining any visitor parking, including parking for disabled drivers.

Street Setbacks

65 Dwellings, should be set back from the front of the allotment or site to:

- (a) contribute to and enhance attractive existing or desired (by zone provisions) streetscape character in terms of dwelling height and style, design elements and location of garage;
- (b) provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement; and
- (c) provide for the efficient use of the site.

Private Open Space

81 Private open space for domestic functions should be provided for each dwelling. These functions include entertaining, refuse storage, clothes drying, recreational pursuits and landscaping.

82 Dwellings should have private open space areas which are of sufficient area, shape and gradient, and appropriately located to be functional for likely occupant needs.

83 Private open space should be located to:

- (a) take advantage of natural features of the site; and
- (b) minimise overlooking from adjacent buildings.

84 Private open space should, where possible, achieve comfortable year-round use by having a northerly aspect which is:

- (a) not significantly shaded by the associated dwelling or adjacent development during winter; and
- (b) shaded in summer.

Housing on Major Traffic Routes

111 Residential development on sites abutting roads with existing or projected traffic volumes exceeding 3000 vpd (Regency Road, Main North Road, North East Road, Prospect Road, Hampstead Road or Churchill Road), should be sited, designed and constructed so that the intrusion of traffic noise into dwellings will not significantly reduce the amenity of occupants.

112 Buildings located on roads with existing or projected traffic volumes exceeding 6000 vpd (Regency Road, Main North Road, North East Road, Prospect Road, Hampstead Road or Churchill Road), should be designed and located to avoid the need for vehicles to reverse on to the road, and vehicular access onto arterial roads should not be provided where alternative access is available including service roads and direct access to local roads.

113 Except where varied by zone and/or policy area provisions, landscaping between the road and dwellings should be provided to screen and protect the dwellings from dust and visual aural impacts of the road.

114 Building setbacks adjacent to arterial roads should be determined after consideration of Metropolitan Adelaide Widening Plan requirements.

115 Where vehicular access onto the arterial road is provided, the number, location and design of the access points should be such as to minimise traffic hazards, queuing on arterial roads, right turn movements and interference with the function of intersections, junctions and traffic control devices.

116 Any gate across the vehicular way should be set back 5.5 metres from the alignment of the arterial road and should open away from the arterial road. Fences associated with the development and adjacent to the arterial road should be a height and design such that a clear view of the arterial road is available to any driver leaving the site.

117 Residential allotments fronting arterial roads should be of a sufficient width to enable provision for vehicles to enter and exit the site in a forward direction, or be designed to share a centrally located access point.

Development in Mixed Use, Urban Corridor, and Centre Zones

Design and Appearance

132 Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:

- (a) the visual impact of the building as viewed from adjoining properties; and

(b) overshadowing of adjoining properties and allow adequate sunlight access to neighbouring buildings.

133 The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.

134 Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.

135 Balconies should:

- (a) be integrated with the overall form and detail of the building;
- (b) include balustrade detailing that enables line of sight to the street;
- (c) be recessed where wind would otherwise make the space unusable; and
- (d) be self-draining and plumbed to minimise runoff.

Relationship to the Street and Public Realm

140 Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.

141 Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.

142 Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.

143 Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.

144 Except where varied by zone or policy area provisions, the ground floor of mixed use buildings should comprise non-residential land uses.

145 Development facing the street should be designed to activate the street frontages:

- (a) including features that attract people to the locality such as frequent doors and display windows, retail shopfronts and/or outdoor eating or dining areas;
- (b) minimising the frontage for fire escapes, service doors, plant and equipment hatches;
- (c) avoiding undercroft or ground floor vehicle parking that is visible from the primary street frontage; and
- (d) using colour, vertical and horizontal elements, roof overhangs and other design techniques to provide visual interest and reduced massing.

152 Except where varied by zone and/or policy area provisions, dwellings located above ground level should provide private open space in accordance with the following table:

Dwelling type Minimum area of private open space

Studio (where there is no separate bedroom) No minimum requirement

One bedroom dwelling 8 square metres

Two bedroom dwelling 11 square metres

Three + bedroom dwelling 15 square metres

153 Private open space located above ground level should have a minimum dimension of 2 metres and be directly accessible from a habitable room.

Medium and High Rise Development (3 or More Storeys)

Design and Appearance

157 Buildings should:

- (a) achieve a human scale at ground level through the use of elements such as canopies, verandahs or building projections;
- (b) provide shelter over the footpath where minimal setbacks are desirable ; and
- (c) ensure walls on the boundary that are visible from public land include visually interesting treatments to break up large blank façades.

158 The ground floor level of buildings (including the foyer areas of residential buildings) should be designed to enable surveillance from public land to the inside of the building at night.

159 Entrances to multi-storey buildings should:

- (a) be oriented towards the street;
- (b) be clearly identifiable;
- (c) provide shelter, a sense of personal address and transitional space around the entry; and
- (d) provide separate access for residential and non-residential land uses.

Visual Privacy

160 The visual privacy of ground floor dwellings within multi-storey buildings should be protected through the use of design features such as the elevation of ground floors above street level, setbacks from street and the location of verandahs, windows porticos or the like.

Building Separation and Outlook

161 Residential buildings (or the residential floors of mixed use buildings) should:

- (a) have adequate separation between habitable room windows and balconies from other buildings to provide visual and acoustic privacy for dwelling occupants and allow the infiltration of daylight into interior and outdoor spaces; and
- (b) ensure living rooms have, at a minimum, a satisfactory short range visual outlook to public or communal space.

Dwelling Configuration

162 Buildings comprising more than 20 dwellings should provide a variety of dwelling sizes and a range in the number of bedrooms per dwelling.

Adaptability

164 Multi-storey buildings should include a variety of internal designs that will facilitate adaptive reuse.

Environmental

165 Multi-storey buildings should:

- (a) minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow; and
- (b) incorporate roof designs that enable the provision of rain water tanks (where they are

not provided elsewhere), photovoltaic cells and other features that enhance sustainability.

166 Green roofs (which can be a substitute for private or communal open space provided they can be accessed by occupants of the building) are encouraged on all new residential, commercial or mixed use buildings.

167 Development of 5 or more storeys, or 21 metres or more in building height (excluding the rooftop location of mechanical plant and equipment), should be designed to minimise the risk of wind tunnelling effects on adjacent streets by adopting one or more of the following:

- (a) a podium at the base of a tall tower and aligned with the street to deflect wind away from the street;*
- (b) substantial verandahs around a building to deflect downward travelling wind flows over pedestrian areas; and/or*
- (c) the placement of buildings and use of setbacks to deflect the wind at ground level.*

Site Facilities and Storage

168 Dwellings should provide a covered storage area of not less than 8 cubic metres in one or more of the following areas:

- (a) in the dwelling (but not including a habitable room);*
- (b) in a garage, carport or outbuilding; and/or*
- (c) within an on-site communal facility.*

169 The design of driveway crossovers, parking areas, access ways and elements that interact with the public realm should safely and efficiently accommodate the collection of waste and recycling materials.

170 Development should provide a dedicated area for the on-site storage, collection and sorting of recyclable materials and waste that is consistent with the following:

- (a) easily and safely accessible to the collection point;*
- (b) easily and safely accessible to residents and collection service providers;*
- (c) well screened to prevent vandalism and theft; and*
- (d) designed to reduce odour and discourage vermin.*

171 Development with a gross floor area of 2000 square metres or more should provide for the communal storage, collection and management of waste.

COMMENTARY

The design of the apartment building is contemporary with a strong residential character and feel. The scale and bulk provides for passive surveillance of the adjacent park and public streets and will compliment and encourage future quality residential development in the immediate locality as future lots are developed.

It also provides for connection along Prospect from the mix of retail and commercial land uses and built form to the residential uses adjacent the site to the east. The apartment building will have articulation in the main facades via the design and placement of windows and doors and, physical setbacks of key elements of the building. The form of the architecture reinforces the character being created by other new developments in the locality. The finishes and materials and treatment equally will be complementary and, the buildings will not be overly dominant. Finishes will include textures and colours that take cues from the surrounding environment.

The buildings will also be complementary to and integrated with the overall development proposed for Prospect Road.

The proposal to develop a four-storey residential flat building will result in a development harmonised in an efficient and co-ordinated manner to increase housing choice by providing dwellings with densities higher than, but compatible in form, scale and design with adjoining residential development.

The development of the site results in an innovative and contemporary design that mitigates the challenges of a difficult shaped allotment to develop. The result is a well thought-out and contextual development that will positively contribute to the immediate and wider locality of the subject site.

4.3 Urban Corridor Zone

OBJECTIVES

Objective 1: A mixed use zone accommodating a range of compatible non-residential and medium and high density residential land uses orientated towards a high frequency public transport corridor.

Objective 2: Integrated, mixed use, medium and high rise buildings with ground floor uses that create active and vibrant streets with residential and commercial development above.

Objective 3: A mix of land uses that enable people to work, shop and access a range of services close to home.

Objective 4: Adaptable and flexible building designs that can accommodate changes in land use and respond to changing economic and social conditions.

Objective 5: A built form that provides a transition down in scale and intensity at the zone boundary to maintain the amenity of residential properties located within adjoining zones.

Objective 6: A safe, comfortable and appealing street environment for pedestrians that is sheltered from weather extremes, is of a pedestrian scale and optimises views or any outlook onto spaces of interest.

Objective 7: Noise and air quality impacts mitigated through appropriate building design and orientation.

Objective 8: Development that contributes to the desired character of the zone.

Form and Character

3 Development should be consistent with the desired character for the zone.

5 Residential development in a wholly residential building should aim to achieve a target minimum net residential site density in accordance with the following:

Transit Living 45 dwellings per hectare net;

6 Vehicle parking should be located to the rear of development or not be visible from public land along the primary road frontage.

Design and Appearance

- 7 Buildings should maintain a pedestrian scale at street level, and should:
- (a) include a clearly defined podium or street wall with a maximum building height of 3 storeys or 11.5 metres in height; and
 - (b) have levels above the defined podium or street wall setback a minimum of 2 metres from that wall.
- 8 Buildings on sites with a frontage greater than 10 metres should be well articulated through variations in forms, materials, openings and colours.
- 9 Buildings should be designed to:
- (a) enable suitable sunlight access to public open space
 - (b) overlook or orientate towards public open space and defined pedestrian and cycle routes.
- 10 To maintain sight lines between buildings and the street, and to improve safety through passive surveillance, solid fencing should not be constructed between the front building line and the primary or secondary street.
- 11 Development should minimise the number of access points onto an arterial road, by providing vehicle access:
- (a) from side streets or rear access ways
 - (b) via co-ordinated through-property access rights of way or common rear vehicle parking areas.
- 12 Vehicle access points on side streets and rear access ways should be located and designed to:
- (a) minimise the impacts of headlight glare and noise on nearby residents
 - (b) avoid excessive traffic flows into residential streets.

Building Envelope

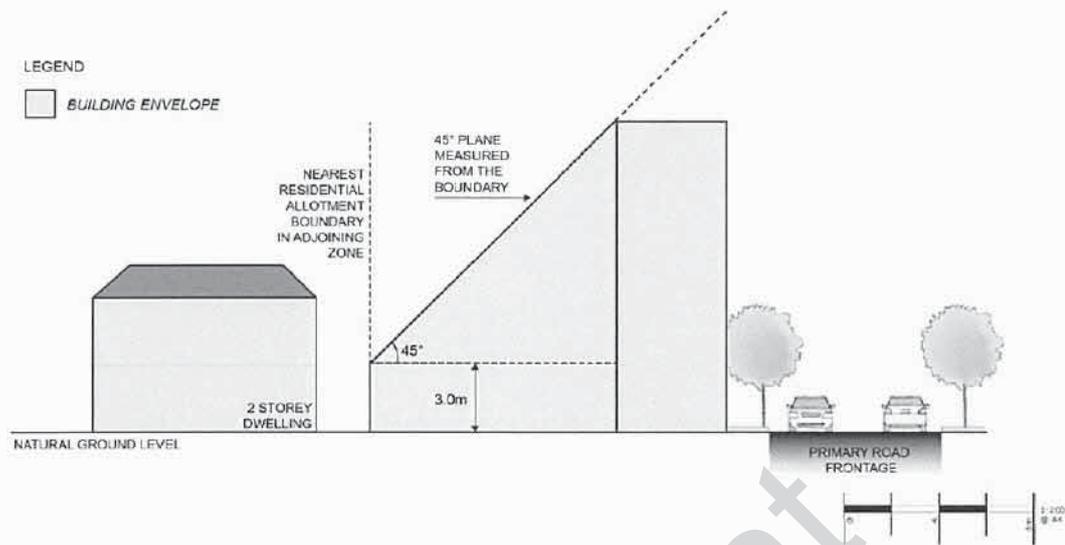
Building Height

13 Except where airport building height restrictions prevail, the interface height provisions require a lesser height, or an alternative maximum building height is shown on Concept Plan Figures UrC/1 to 6, building heights (excluding any rooftop mechanical plant or equipment) should be consistent with the following parameters:

Policy Area	Minimum Building Height	Maximum Building Height
Transit Living	1 storey	3 storeys and up to 11.5 metres

Interface Height Provisions

14 To minimise building massing at the interface with residential development outside of the zone, buildings should be constructed within a building envelope provided by a 45 degree plane, measured from a height of 3 metres above natural ground level at the zone boundary (except where this boundary is a primary road frontage).



15 To minimise overshadowing of sensitive uses outside of the zone, buildings should ensure that:

- (a) north-facing windows to habitable rooms of existing dwellings in adjacent zones receive at least 3 hours of direct sunlight over a portion of their surface between 9.00am and 3.00pm on 21 June
- (b) ground level open space of existing residential buildings in adjacent zones receive direct sunlight for a minimum of 2 hours between 9.00am and 3.00pm on 21 June to at least the smaller of the following:
 - (i) half of the existing ground level open space; or
 - (ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres).

Setbacks from Road Frontages

16 Buildings (excluding verandahs, porticos and the like) should be set back from the primary road frontage in accordance with the following parameters, except where varied by the relevant Concept Plan Figures UrC/2, 4 and 6:

- Policy Area Minimum setback from the primary road frontage
- Transit Living 3 metres

Buildings (excluding verandahs, porticos and the like) should be set back from the secondary road frontage or a vehicle access way in accordance with the following parameters:

Other Setbacks

18 Buildings (excluding verandahs, porticos and the like) should be set back in accordance with the following parameters:

- Designated Area Minimum setback from rear allotment boundary
- For allotments with a frontage width of:
 - (a) 20 metres or less – no minimum up to a height of 2 storeys and 2 metres above this height

- Minimum setback from side boundaries
- Transit Living Boulevard 3 metres

4.4 Transit Living Policy Area

OBJECTIVES

Objective 1: A medium density residential area supported by local shops, offices and community land uses.

Objective 2: A highly varied built streetscape allowing multiple built form design responses that support innovative housing and mixed use development.

Objective 3: Development that contributes to the desired character of the policy area.

DESIRED CHARACTER

This policy area will primarily serve a residential function, with local shops, offices and community land uses provided as part of mixed-use development to support the daily living and working needs of residents. Residential development will take place at medium to high densities, requiring the replacement of existing detached dwellings with apartment and terrace style dwellings and mixed use buildings, desirably two to three storeys in height.

A variety of building forms will be developed, creating housing opportunities for people of various life stages and a range of household types. Within a varied streetscape, new buildings will be recognised for their design excellence through the use of high quality building materials and finishes, and building facades will be articulated with elements such as balconies and verandahs. Buildings on corner sites will address both street frontages using articulation and fenestration to provide visual interest to the secondary street façade as well as to Prospect Road.

Buildings will be set back from Prospect Road and, where relevant, from the secondary street, to provide for landscaping comprising low-lying shrubs, grass plantings and trees with high canopies. This planting will enhance the built form, contribute to a pleasant pedestrian environment and provide an attractive transition between the public and private realms.

Street fencing will contribute to a pleasant pedestrian environment and will be articulated horizontally or vertically to provide visual interest to the public domain while maintaining privacy to ground floor dwellings.

Vehicle access will occur from side streets and laneways where possible. Vehicle access points will be carefully managed in order to minimise interruptions to pedestrian movement along streets.

PRINCIPLES OF DEVELOPMENT CONTROL

Form and Character

2 Development should be consistent with the desired character for the policy area.

3 Detached dwellings should take the form and appearance of row dwellings (i.e. constructed to side boundaries) and achieve the desired net residential site density.

COMMENTARY

The proposed development has been carefully thought out and gone through numerous Qattro design reviews as well as seeking initial feedback from Council staff.

The proposed apartment building seeks to address the relevant Objectives and Principle of Development Control of Council Development Plan.

The proposed apartment building nets 179 dwellings per hectare and is consistent with the density envisaged in this Policy Area. The proposal is of density that reflects its location to retail and commercial land uses, public transport accessibility and proximity to large amounts of public open space.

The façade to Prospect Road consists of a modern contemporary design that is well articulated and fenestrated. The façade draws on strong horizontal elements to compliment and enhance the strong single-storey elements of the shop fronts along Prospect Road. The entrance to the building and the ground floor apartments from Prospect Road are easily identifiable. The entrances along with the balconies and window treatments creates permeability and breaks up any notions of massing.

Access to the site is proposed to be from one access way from Prospect Road, with car parking located to the rear of the ground floor apartments and will not be visible from Prospect Road. The car parking layout provides one car parking space per dwelling and three additional visitor car parking spaces that are located in the driveway before the car parks' roller door with easy pedestrian access to the building.

The proposed building contains on ground level ten wall hung bicycle parks and 22 storage cages for above ground apartments. This is in addition to the storage areas within individual apartments.

Additionally on the ground level, an adequate waste storage area is provided that is easily accessible from the street and the apartments, but most importantly it is screened from being visible from the public realm.

Whilst the building height is marginally above the three-storey – 11.5m height limit, the fourth level has been sensitively designed to minimise and mitigate against its impact. The fourth level contains significantly less building envelope and has been designed to minimise being in the sight lines of adjoining and adjacent properties with the immediate locality. Whilst the proposed building is marginally higher than the Development Plan anticipates the visual impact is minimised by being within the 45 degree plane when measure from 3 metres above the rear boundary.

Accordingly, this has enabled the price point of the proposed dwellings to be within reach of the mean household income of the Prospect community, which will enable residents who are wishing to downsize or buy into the property market to stay within the City of Prospect. Therefore the dwellings are accessible to wide range a demographics that will contribute to the vitality and social mix of not only the proposed apartment building, but the City of Prospect overall.

The building envelope of the Apartment building are satisfactory and car-parking is provided at a rate that is generally acceptable under the Development Plan. The car-parking layout finds a innovate solution to the challenges creates by the allotment shape, dimensions and limited access.

The proposed development will revitalise a site that is not currently fulfilling its current land use or built form potential for the benefit of not only new residents, employment during construction, but also the wider City of Prospect.

Attachment

5. CONCLUSIONS

This application is for a four-storey residential flat building containing twenty-five (25) two-bedroom dwellings within the Urban Corridor Zone – Transit Living Policy Area.

Each dwelling will include two bedrooms, and each dwelling is allocated at least one car-parking space on the ground floor. There is also ample additional visitor parking provided as well as bicycle storage. Whilst pursuant to the definitions contained within Schedule 1 of the Development Regulations this proposal is for a residential flat building.

The apartment building incorporates a variety of contemporary design creating an active street frontage which will compliment and enhance the streetscape on Prospect Road.

Street scape interest is provided through articulation and the level of detailing to each façade level through variation in colours and materials. To assist the transition these dwellings have a combination of balcony types and orientations with some dwellings overlooking the Prospect Road to create opportunities for passive surveillance.

Dwelling areas range between 66.56m² and 86.66m² with private open space ranging between 11.35m² and 21.17m².

The proposal is considered to accord with the relevant provisions of the Development Plan and is recommended for approval.

Attachment

Attachment

APPENDIX 1
CERTIFICATES OF TITLE



Title Register Search

LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

365

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5284 FOLIO 551 *

COST : \$25.75 (GST exempt)	PARENT TITLE : CT 4082/983
REGION : EMAIL	AUTHORITY : CONVERTED TITLE
AGENT : SBPGP BOX NO : 000	DATE OF ISSUE : 08/08/1995
SEARCHED ON : 09/10/2013 AT : 17:09:37	EDITION : 3
CLIENT REF JENNYELLE	

REGISTERED PROPRIETOR IN FEE SIMPLE

JENNYELLE PTY. LTD. OF 171 PROSPECT ROAD PROSPECT SA 5082

DESCRIPTION OF LAND

ALLOTMENT 1 FILED PLAN 109866
IN THE AREA NAMED PROSPECT
HUNDRED OF YATALA

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

8493185 MORTGAGE TO WESTPAC BANKING CORPORATION

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

REGISTRAR-GENERAL'S NOTES

NIL

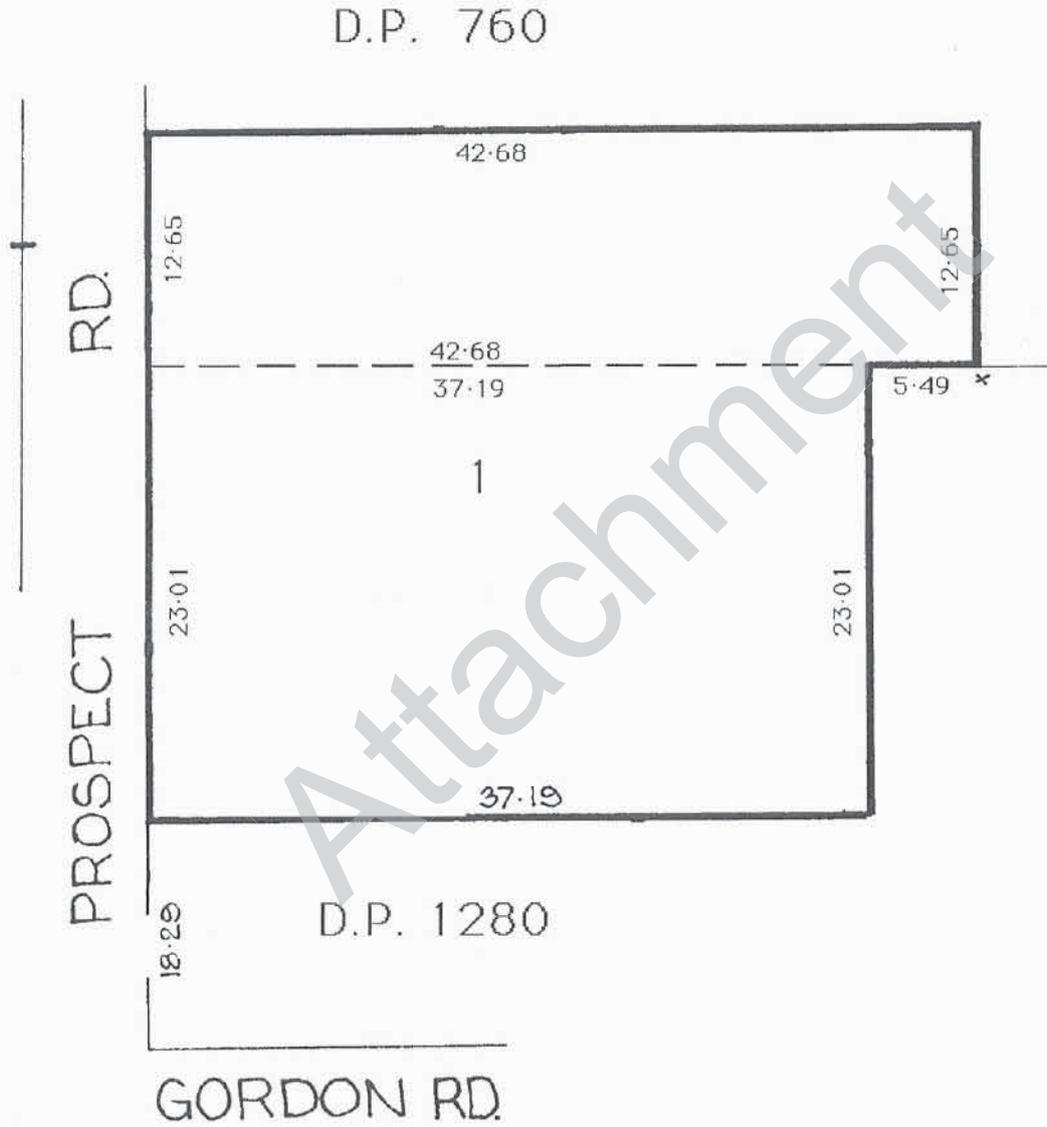
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LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA
DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5284 FOLIO 551
SEARCH DATE : 09/10/2013 TIME: 17:09:37

This plan is scanned for Certificate of Title 4082/983

LAST PLAN REF : D.P. 760 &
D.P. 1280



Note : Subject to all lawfully existing plans of division

Attachment

APPENDIX 2
DEVELOPMENT PROPOSAL PLANS

LUMENSTUDIO**Julian Rutt**B.Arch (hons), AIA
jrutt@adam.com.au
0422 305 099

30 April 2015

By email: scott.mcluskey@prospect.sa.gov.au

City of Prospect
Development Services
128 Prospect Road
Prospect SA 5082**Attention: Scott McCluskey**
PRIVATE AND CONFIDENTIAL

Dear Scott

DESIGN REVIEW: 171-173 PROSPECT ROAD, PROSPECT

Regarding the information provided on Qattro drawings 11367 01 – 07 for the proposed apartment building at 171-173 Prospect Road, Prospect, and in the framework of providing design review advice, I offer the following comments;

At four storeys (three levels of apartments with ground level car park) the proposal meets the desire to increase density along major thoroughfares though as noted is significantly at odds with local precedent and may not meet all set back guidelines, particularly to the North and South of the building/site. The building's scale is well broken down and provides visual interest to the streetscape.

The building format of apartments radiating around a central corridor makes limited use of ideal solar orientation for access to northern light and passive solar design, subsequently there is reduced ability to make use of cross breezes. Consideration of sustainable design ideals has not been highlighted and there would be a reasonable ability to incorporate some strategies to minimise water and energy consumption on site.

Landscaping has been given next to no detailed consideration though the increased passive surveillance to the street from this proposal is desirable. Aesthetically, the building form has dealt well with differing apartment outlooks and access to day lighting in a positive way that goes beyond the minimum response and has the potential to create a desirable precedent for future developments.

Yours sincerely

**Julian Rutt**
Architect, AIA

LUMENSTUDIO

Julian Rutt

B.Arch (hons), AIA

jrutt@adam.com.au

0422 305 099

29 April 2015

171-173 PROSPECT ROAD, PROSPECT**Context***Good design responds to and contributes to its context. Context can be defined as the key natural and built features of an area.*

Little detail provided for information on local context, however neighbouring properties appear to largely be some single storey detached residential buildings with some single storey commercial/retail buildings fronting Prospect Road. The proposal is significantly at odds with local precedent, noting however the desired future character and increased density of the 'Urban Corridor' proposed along major corridors.

Scale*Good design provides an appropriate scale in terms of the building height relative to the width of the street and height of the surrounding buildings.*

The proposed development does not appear to respond to the existing surrounding buildings, only marginally attempts the suggested boundary set backs though significantly sets back at the fourth (top) storey from the east and west (Prospect Rd façade).

Built form*Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.*

The building appears well articulated and reduces visual impacts from the introduction of larger scale buildings and breaks down massing. The treatment of solid and voids around the balcony openings creates visual interest at an appropriate scale.

Density*Good design has a density appropriate for a site and its context, in terms of dwelling yields (or number of units or residents).*

The proposed increase in density is within spirit of the new urban corridor provisions with a maximized increase in number of storeys and a recessed top floor, though as previously noted is at odds with existing context with seemingly no immediate local precedent of the new desired scale of development, yet.

Resource, Energy & Water efficiency*Good design makes efficient use of natural resources, energy and waste throughout its full life cycle, including construction.*

Little information provided regarding materials, structure, energy use or generation, water harvest or reuse, waste or similar. Site orientation allows only some apartments access to northern sunlight and the layout of apartments around a central walkway is not conducive to making good use of cross ventilation. Use of rainwater tanks mentioned in planning report though not noted on plans.

Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Very little area given to landscaping, limited to a small buffer at the street around the entrance, unclear if area to rear beyond car parks is to be landscapes. No actual details on plantings, design specifics or hierarchy. No mention on paving surface, eg bitumen vs water permeable pavers. Size and bulk likely to have significant impacts to building immediate to the south- unlikely to meet the planning provisions for minimum 2 hours sunlight on Jun 21st solstice to habitable spaces, if used as a residential building (has been or currently is a dental clinic). Area allocated for transformer is both inadequate for unit size and work-access clearance requirements.

Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Potential privacy/overlooking issues to the eastern residential dwellings, does not appear to have been adequately addressed although 45 degree set back from 3m height on boundary to east has been achieved. Overshadowing issues for property to the south though these appear to be commercial/retail. Area allocated for bin store appears undersized for number of proposed apartments – requires review. Storage units are a little over 2 cubic metres, below the 8m³ minimum requirement, allocated car parking spaces slightly below 1.25 spaces per apartment.

Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

Crime Prevention through Environmental Design (CPTED) techniques mentioned, but relatively deep set backs of main entry and side gates are problematic to personal security. Car parks V01, 01 and 10 may not comply with additional 'blind aisle' width requirements of AS 2890.1 Off Street Parking. After-hours passive surveillance increased to Prospect Road from presence of overlooking balconies and windows.

Social Dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to the social facilities.

Apartments vary due to orientation though all are 2 bedroom apartments and nearly comply with stated aims of providing deviations from the local 'standard' housing type of larger detached dwellings, however >20 dwellings should include a greater diversity of bedroom number options. Inclusion of ground floor units with private courtyard also provides potential accommodation options for to the elderly, the ambulant disabled or young families.

Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development.

Considerable effort has gone in to break up the building's massing through modern contemporary visual treatment around the balconies and windows while keeping a coherent design theme running through different facades around the building as a whole. Overall, the proposal sets a satisfactory precedent for similar future developments.

In reply please quote 2015/00161/01, Process ID: 334159
 Enquiries to Matthew Henderson
 Telephone (08) 8226 8388
 Facsimile (08) 8226 8330
 E-mail dpti.luc@sa.gov.au

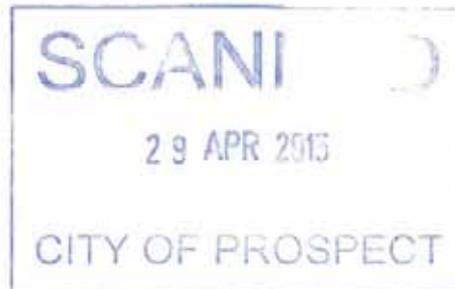


Government of South Australia

Department of Planning,
 Transport and Infrastructure

23/04/2015

Mr Scott McLuskey
 City of Prospect
 PO Box 171
 PROSPECT SA 5082



**SAFETY AND SERVICE
 DIVISION**

GPO Box 1533
 Adelaide SA 5001

Telephone: 61 8 8226 8222
 Facsimile: 61 8 8226 8330

Dear Mr McLuskey,

SCHEDULE 8 - REFERRAL RESPONSE

Development No.	050/77/15
Applicant	Qattro
Location	171-173 Prospect Road, Prospect
Proposal	Four storey residential flat building comprising 25 dwellings with associated storage and landscaping

I refer to the above development application forwarded to the Safety and Service Division of the Department of Planning, Transport and Infrastructure (DPTI) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*.

THE PROPOSAL

The application proposes the demolition of all structures on the site and construction of a 4 storey residential flat building.

CONSIDERATION

The site is located on Prospect Road, an arterial road. The site has sole frontage to Prospect Road. As the site does not abut any local roads, access to Prospect Road is considered acceptable in this instance. It is noted that a single vehicular access point is proposed, located as far as possible from the nearby pedestrian crossing. DPTI therefore supports the proposed access location.

It is noted that the proposed access is shown as 5.8 metres in width at the property boundary. DPTI recommends that a 6.0 metre width be provided at the property boundary, flaring to the carriageway, and for a minimum of 6.0 metres into the property to maximise ease of two-way movements for passenger vehicles. It appears this could be accommodated by reducing the garden bed shown along the southern boundary to the depth of the columns only.

Additionally, DPTI recommends that the first 6.0 metres of the driveway be free of any possible sources of conflicting vehicle movements, such as car park aisle connections and/or car park spaces themselves. Consequently car parks V01 and V02 should be removed and, if possible, relocated elsewhere within the site.

It is noted that a sign exists on-site that projects over the footpath. This sign should be removed as part of the proposed development. DPTI further recommends that the

services proposed adjacent to the footpath, such as the fire hydrant and transformer be located further into the site (possibly where car parks V01 and V02 are currently proposed) to allow for improvements to the road/footpath in the future.

The applicant should be made aware that the draft Integrated Transport and Land Use Plan identifies *ProspectLINK* (a tram line running from Grand Junction road along Prospect Road and O'Connell Street) as a medium to long term project. The exact timing of the proposed project is yet to be determined and the details of the road and tram track layout along Prospect Road will be subject to further investigations.

CONCLUSION

DPTI recommends the below minor amendments being implemented to Council's satisfaction prior to approval of the proposal:

- The access point being widened to 6.0 metres in width at the property boundary, extending at that width for a minimum of 6.0 metres into the property;
- and;
- Car parks V01 and V02 should be removed and, if possible, relocated elsewhere within the site to avoid the introduction of possible vehicular conflict points adjacent the access.

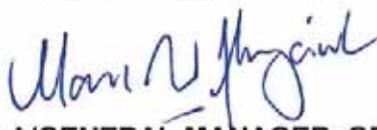
As per the above commentary, the existing sign that projects over the footpath should also be removed as part of the proposed development. Should the above amendments be made, DPTI does not object in-principle to the proposal, subject to the following conditions being attached to any approval:

1. The site shall be accessed via a single 6.0 metre wide vehicular access point located adjacent the southern property boundary.
2. All vehicles shall enter and exit the site in a forward direction.
3. Car parking and vehicle manoeuvring areas shall be consistent with AS/NZS 2890.1:2004.
4. No stormwater from this development is permitted to discharge on-surface to Prospect Road. In addition, any existing drainage of the road shall be accommodated in the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the applicant.

The following notes provide important information for the benefit of the applicant and are required to be included in any approval:

- The draft Integrated Transport and Land Use Plan identifies *ProspectLINK* (a tram line running from Grand Junction road along Prospect Road and O'Connell Street) as a medium to long term project. The exact timing of the proposed project is yet to be determined and the details of the road and tram track layout along Prospect Road will be subject to further investigations.

Yours sincerely,


 A/GENERAL MANAGER, OPERATIONAL SERVICES
 For COMMISSIONER OF HIGHWAYS

A copy of the decision notification form should be forwarded to dpti.developmentapplications@sa.gov.au

AGENDA ITEM: 5.5

To: Development Assessment Panel (DAP) on 11 May 2015

From: Scott McLuskey, Senior Development Officer, Planning

Proposal: Four Storey Residential Flat Building comprising 6 Dwellings with Associated Car and Bicycle Parking, Storage Facilities and Landscaping (DA 050/404/2014)

Address: 8 Allan Street Prospect (CT 5501/133)

SUMMARY:

Planning Authority: Council

Referrals (Schedule 8): Not applicable

Public Notification: Category 1

Representations: Not applicable

Respondent: Not applicable

Development Plan Version: Consolidated 31 October 2013

Zone and Policy Area: Urban Corridor Zone (Boulevard Policy Area)

Issues: Natural Thermal Comfort, Design and Appearance, Waste Management

Recommendation: Approval, subject to conditions and reserved matters

1. EXECUTIVE SUMMARY

- 1.1.1 A four storey apartment building is proposed to be constructed at 8 Allan Street Prospect, comprising parking and storage areas at ground level and 2, three bedroom dwellings on each of the three floors above.
- 1.1.2 The proposal was a Category 1 form of development and therefore was not publicly notified, nor was any mandatory referral required. The design review concluded that the presentation of the building was somewhat utilitarian and did not respond well to ideal solar orientation, but that the building's mass was sufficiently broken down and that its composition of three bedroom apartments would contribute positively to the future mix of dwellings nearby.
- 1.1.3 While the building may not be an exemplar for future development, its appearance is acceptable within the context of the locality. While the layout of apartments and circulation spaces are not the most efficient, privacy and passive surveillance issues are well resolved. Car and bicycle parking, and external storage areas, are provided in appropriate quantities. The proposal therefore warrants development plan consent.

2. LOCALITY AND SUBJECT LAND

2.1 Locality

- 2.1.1 The locality is predominantly residential in use, though also features several nearby commercial land uses including shops, offices and a gym. George Whittle Reserve is located to the south and a railway corridor to the west of the subject land.
- 2.1.2 Residential development within the nearby area predominantly features a mix of original, low density dwellings and newer medium density dwellings of two storey construction. It is noted that 2 Allan Street Prospect recently received full development approval for a four storey apartment building comprising 17 dwellings. A passenger and freight railway line parallel to Devonport Terrace is separated from the subject site by a mixture of single and two storey dwellings of low to medium overall density. The nearest train station (Ovingham), is approximately 400m away from the subject land.
- 2.1.3 The broader locality, indicating the location of the subject land within the relevant Zone and Policy Area as described in Council's Development Plan is described in **Attachment 1**. Photographs of nearby properties are included at **Attachments 2-3**.

2.2 Subject Land

- 2.2.1 The subject land is located on the northern side of Allan Street and approximately 50m west of the intersection of Allan Street and Churchill Road. The land comprises one allotment with a total area of 610m², with a frontage of 17.3m to Allan Street and a depth of 35.1m. The land is essentially flat, with a negligible slope from the front to the rear of the allotment.
- 2.2.2 Existing site improvements include a single-storey detached dwelling with attached verandahs and a substantial freestanding garage to the north-western corner. Existing vegetation is limited, primarily consisting of grassed areas, and with no significant trees on the subject land or within close proximity on adjoining allotments. The subject land is illustrated on **Attachment 4**. A photograph of the subject land are also included for the DAP's reference (refer **Attachment 5**).

3. PROPOSAL

- 3.1 The proposal comprises the construction of a four storey residential flat building incorporating 6 three bedroom dwellings. Nine car parking spaces, six storage areas and 10 bicycle parking spaces would be provided at ground level, along with a refuse area, separated vehicle and pedestrian access points and landscaping areas. A masonry fence of brick finish would be provided to the Allan Street frontage of the site to a height of approximately 1m.
- 3.2 The proposal plans are attached (refer **Attachments 6-8**). Supporting correspondence in response to the design review and various other elements of the proposal from the architect is also attached (refer **Attachment 9-10**).

4. **REFERRALS**

4.1 **Internal (Advisory) Referrals**

- 4.1.1 The proposal was referred to a consulting architect, Mr Julian Rutt of Lumen Studio, for design review in accordance with Council's endorsed Design Review Process (refer **Attachment 11**). The now superseded plans considered by Mr Rutt are also attached (refer **Attachments 12-14**).
- 4.1.2 Briefly, Mr Rutt expressed concern with respect to car parking, storage and landscaping areas, as well the configuration of dwellings and openings having a limited relationship to ideal solar orientation. Mr Rutt indicated that the proposal would benefit from reconsideration of the entry/exit access way, car parking and storage facility layout, window and opening design, improvements to natural cross-ventilation through increased ceiling heights and provision of ceiling fans, improved landscaping and ground level street address and greater aesthetic consideration to external design features and materiality.
- 4.1.3 The comments were provided to the applicant for consideration. In response, the applicant made alterations to the proposal and provided commentary as detailed in **Attachments 9-10**. Briefly, the applicant identified that they intend to provide ceiling fans to habitable rooms, acknowledge that waste management requires further investigation and note that the roof structure will be engineered to accommodate a solar photovoltaic panel system.
- 4.1.4 The amended plans alter the car parking and external storage area, the landscaping plan, location of mechanical services, sizing of north- and west-facing windows and provide indicative designs of window shade canopies and the entry feature wall.

4.2 **External (Legislated) Referrals**

- 4.2.1 No consultation with agencies was required.

5. **PUBLIC NOTIFICATION**

- 5.1 The application is a Category 1 form of development pursuant to Section 38 of the *Development Act 1993*, Schedule 9 of the *Development Regulations 2008* and Urban Corridor Zone Principle of Development Control 22.
- 5.2 A residential flat building is a Category 1 development unless it is located on land adjacent to the Residential Zone or Historic (Conservation) Zone and it would be three or more storeys (or 11.5 metres or more in height), and it would exceed the 'Building Envelope - Interface Height Provisions' (UCZ PDC 22).
- 5.3 The subject land is not located adjacent either the Residential Zone or the Historic (Conservation) Zone (refer **Attachment 1**) so is a Category 1 form of development for which no public notification is undertaken.

6. **PLANNING COMMENTARY**

- 6.1 The application involves building work and therefore an application to Council is required. The proposal is neither a complying nor a non-complying development with reference to Principles of Development Control 20 and 21 of the Urban Corridor Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.

- 6.2 Pursuant to Section 35(2) of the *Development Act 1993*, a development that is assessed by the Council as being seriously at variance with the Development Plan must not be granted consent. To this end, the Panel must determine whether the proposal is seriously at variance with the Development Plan prior to making a decision on the application.

7. PLANNING ASSESSMENT

7.1 Land Use

- 7.1.1 It is anticipated that development within the Urban Corridor Zone would enable a high quality mixed use urban environment that contributes to the economic vitality of City of Prospect by increasing the density of housing, as well as the number and the diversity of businesses and other services offered to residents and the wider community (UCZ Desired Character Statement).

- 7.1.2 This is reinforced by the following Objectives of the Urban Corridor Zone:

Objective 1: *A mixed use zone accommodating a range of compatible non-residential and medium and high density residential land uses orientated towards a high frequency public transport corridor.*

Objective 2: *Integrated, mixed use, medium and high rise buildings with ground floor uses that create active and vibrant streets with residential and commercial development above.*

Objective 3: *A mix of land uses that enable people to work, shop and access a range of services close to home.*

- 7.1.3 Furthermore PDC 1 of the Zone outlines the types of development, or a combination thereof, which are envisaged within the Zone. A residential flat building is one of the types of development listed, therefore the proposal is considered to be an appropriate type of development.

7.2 Site Density

- 7.2.1 The Boulevard Policy Area anticipates medium and high density housing. This would primarily be in the form of apartment and terrace style dwellings along with mixed-use buildings to accommodate a diversity of dwelling types within the precinct. In order to achieve this, the minimum residential site density for residential development within the Boulevard Policy Area is 100 dwellings per hectare net, unless varied by the Concept Plan (UCZ PDC 5).

- 7.2.2 The subject site which has an area of 610m² is not identified within the Concept Plan. The minimum net residential site density would therefore be achieved through the provision of 6 dwellings. The proposal is for 6 dwellings within the residential flat building, therefore satisfying the desired minimum density for new development. It is also noted that the proposal would contribute to the diversity of dwelling types within the locality, and broader policy area, through its composition of 3 bedroom dwellings.

7.3 Traffic and Vehicular Movements

- 7.3.1 It is anticipated that new developments will minimise the number of access points onto arterial roads, by providing vehicle access from side streets, rear access ways, via rights of way or common vehicle parking areas (UCZ PDC 11). Where this is not possible, development along arterial roads should rationalise the number of access points off arterial roads and provide sufficient on-site manoeuvring area to enable all vehicles to enter and exit the site in a forward direction (Council Wide PDC 229).
- 7.3.2 The number, location and design of access points on public roads should be such as to minimise traffic hazards, queuing on roads, interference with the function of intersections and traffic control devices and intrusion of through traffic into adjacent residential streets (Council Wide PDC 210).
- 7.3.3 Access to the site would be via a 6.1m wide crossover to Allan Street, which would involve the reinstatement of an existing and construction of a new crossover. Sufficient areas would be provided on the site to ensure that all vehicles are capable of entering and exiting the site in a forward motion.
- 7.3.4 With reference to the relevant Australian Standard, it is concluded that the proposed access arrangements provide for safe and convenient vehicle movement, and satisfactorily respond to the relevant provisions of the Development Plan.

7.4 Design and Appearance

- 7.4.1 It is anticipated that development within the Urban Corridor Zone would achieve a high standard of architectural design through careful building articulation and fenestration to all visible sides. Building facades should involve the careful use of a diversity of building materials to create a high quality building appearance.
- 7.4.2 The proposed building would be a maximum height of 13.2m above natural ground level and would incorporate some vertical and horizontal articulated features. A mixture of colours and materials, combined with sizeable balconies, are proposed to the front façade of the building.
- 7.4.3 Relevant design principles would be achieved to the Allan Street facade via the articulation of building walls, balconies, window shade canopies and materially contrasted vertical elements. The east- and west-facing facades would utilise some stepping of walls, along with window openings and shade canopies, and variations in finishes to ameliorate the visual mass of the structure. The north-facing façade would be well-recessed from the rear boundary of the site, also featuring some limited fenestration and variation in finishes.
- 7.4.4 The building configuration concentrates openings and balconies towards the Allan Street façade, benefitting the public realm interface. While the articulation and material variations to the building are simple in nature, they effectively break down the mass of the building and would provide an adequate level of visual interest in the context of the policy area. To ensure a built outcome of appropriate quality, conditions reinforcing key design elements are recommended, including the varied use of materials and finishes set out by the elevation drawings.

7.5 Energy Conservation Measures

- 7.5.1 It is desired that all dwellings provide adequate thermal comfort for occupants through passive design features such as orientation of windows, living areas and private open space, and cross-ventilation (Council Wide PDC 79).

- 7.5.2 It is proposed that heating and cooling would be via individual gas hot water systems and air-conditioning units, which would be screened and located on the roof of the building. It is recommended that a condition be placed confirming this if consent is to be granted.
- 7.5.3 The north-south orientation of the site creates challenges to ideal dwelling alignments, which is uncommon within the policy area given its prevailing east-west allotment orientation.
- 7.5.4 Following the design review commentary, north- and west-facing window sizes have been altered, and indicative shading canopies have been described to these windows. While the overall configuration of each dwelling is not ideal, further refinement of the shade canopy devices would better balance winter and summer sunlight penetration. Given the particular importance of the success of these shading canopies, it is recommended that this element of the proposal be reserved for further consideration and assessment by Council.
- 7.5.5 The design review identified concerns with the orientation of the dwellings, as well as the size and orientation of window openings and associated shade canopies. Good opportunities for cross-ventilation were noted, and the applicant has confirmed that ceiling fans can be provided in accordance with the Building Code of Australia. With further consideration of window and shade canopy sizes (and finishes), the proposal would adequately respond to desirable principles of natural thermal comfort.

7.6 Setbacks

- 7.6.1 Within the Boulevard Policy Area, the minimum setback from the primary road is 3m unless varied by the Concept Plans within Council's Development Plan. For allotments with a frontage width of 20 metres or less, there is no minimum setback for the first 2 levels of a building from a side boundary when adjoining another allotment, while a minimum 2m setback is required for all levels above this height. Further, the building should be setback a minimum of 3 metres from the rear boundary of the site (UCZ PDC 16 and 18).
- 7.6.2 The front wall of the building would be setback variably 3m and 4.6m from the Allan Street boundary of the site. The rear wall of the building would be setback variably 8.8m from the northern boundary of the site, with ground floor carports projecting to a minimum 1m setback.
- 7.6.3 At ground floor, the carports, storage and waste management areas would be located on the eastern and western boundaries of the site. At first, second and third floor levels the building would be setback variably 2.3m and 3m from the eastern and western boundaries of the site.
- 7.6.4 The building achieves desirable minimum densities while maintaining setback distances that are typically substantially higher than those required. While design elements are discussed earlier in the report, the setbacks proposed suitably address issues of building mass and siting.

7.7 Noise Attenuation

- 7.7.1 It is anticipated that noise and air quality impacts should be mitigated through appropriate building design and orientation (UCZ Objective 1). Residential development on sites abutting roads with traffic volumes exceeding 3000 vehicles per day should be sited and designed to reduce the impact of traffic noise on occupants. Further, residential buildings should feature adequate separation

between the habitable room windows and balconies of other buildings (Council Wide PDCS 111 and 161).

- 7.7.2 In addition to the above, the subject land is identified with Map Pr/1 (Overlay 5) for the purpose of noise and air emissions. It is outlined by PDC 1 of the Noise and Air Emissions Overlay that sensitive development located adjacent to high noise and/or air pollution sources should be additionally protected from these additional potential impacts.
- 7.7.3 It is also desirable that attached dwellings are designed to minimise the transmission of sound between dwellings, particularly between living areas and bedrooms (Council Wide PDC 93). It is noted that the layout of each dwelling is such that no bedrooms abut the living area of an adjoining dwelling.
- 7.7.4 The building's orientation requires a degree of balancing in satisfying the requirements for noise and air quality considerations, while also achieving a streetscape outcome with appropriate fenestration. The construction of the building would be undertaken in accordance with the Ministers Specification SA78B – Construction requirements for the control of external sound. Compliance with the Minister's Specification would be required as part of the Building Code of Australia (BCA).
- 7.7.5 While the building would not face an arterial road, window openings for bedrooms and living areas would face the principle generators of noise identified in the Noise and Air Emissions Overlay; the railway lines and arterial road. Given this, it is appropriate to reinforce the Minister's Specification by way of conditions attached to the development plan consent.

7.8 Private open space provision

- 7.8.1 Private open space should be provided for each dwelling and should be located so that it is accessible directly from internal living areas (Council Wide PDC 148). Private open space areas located above ground level should have a minimum width of 2 metres and be directly accessible from a habitable room (Council Wide PDC 153). Dwellings with three or more bedrooms should provide a minimum of 15m² of private open space (Council Wide PDC 152).
- 7.8.2 Each dwelling would be provided with 15m² of private open space, achieving the desired minimum area for two bedroom dwellings. Each balcony would have a minimum dimension of 3.4m, comfortably satisfying the desirable minimum dimension. All areas of private open space are directly accessible from and well integrated with living areas, with the use of sliding doors ensuring the functionality of outdoor spaces.
- 7.8.3 While the balconies are not north-facing, and therefore not ideally oriented, they are suitably functional spaces that will provide appropriate levels of amenity to future occupants.

7.9 Car Parking and Bicycle Parking

- 7.9.1 Within the Urban Corridor Zone, it is anticipated that the provision of car and bicycle parking would be in accordance with Tables Pr/5 and Pr/6 of Council's Development Plan. It is also anticipated that on-site vehicle parking would not be visible from the primary street frontage through the use of design solutions such as locating parking areas behind the front building façade and screening undercroft parking areas with landscaping and articulated screening (BPA Desired Character Statement).

- 7.9.2 Table Pr/6 outlines an anticipated demand of one bicycle park for every four dwellings, and one bicycle park for visitors for every ten dwellings. Therefore 3 bicycle parks should be provided.
- 7.9.3 With regard to the provision of car parking, 1.25 car parking spaces are desired for each 3 bedroom dwelling. An additional 0.25 spaces is desired for each 3 bedroom dwelling for visitor parking. Consequently, the anticipated car parking rate for the 6 dwellings would be 9 car parking spaces, comprised of 7 for occupants and 2 for visitor parking.
- 7.9.4 In total, 9 car parking spaces and opportunities for up to 5 bicycle parking spaces would be provided, thereby satisfying the minimum guidelines. It is noted that there is a limited opportunity for on-street parking, so the un-gated approach to the car parking area is desirable.

7.10 Landscaping

- 7.10.1 Landscaping should be in the form of low-lying shrubs and grass plantings, together with trees that have relatively clean trunks and high canopies to provide visual softening of the built form and reflect the scale of landscaping in the public realm (BPA Desired Character Statement).
- 7.10.2 Following the design review, the landscaping plan has been amended to include a mixture of ground covers and feature trees (namely, Coral Gum trees). While it may not always be advantageous to limit an applicant to the use of a particular species of planting, the amended landscaping plan represents an improvement in species selection that should be reinforced.
- 7.10.3 Given the above, it is recommended that a condition be imposed requiring the planting of the specified feature trees but allowing some flexibility in the types of ground covers provided.

7.11 Stormwater Management & Rainwater Re-use

- 7.11.1 The provisions of Council's Development Plan suggest that site drainage should be designed to safely direct surplus flows to a public street without causing harm to adjoining properties (Council Wide PDC 97) and that all proposed developments should be designed to retain as much stormwater as possible, minimising the overflow to the kerb and water table (Council Wide PDC 98).
- 7.11.2 The applicant has provided a detailed stormwater engineering plan that demonstrates an intention to capture rainwater for re-use within the dwellings (6,000L of storage capacity), while also indicating that the detention (a further 2,000L of storage capacity) and outflow rates of stormwater would meet desirable engineering guidelines.
- 7.11.3 To this end, the proposal would achieve desirable stormwater management practises.

7.12 Waste Management

- 7.12.1 It is anticipated that new development would enable waste management options that provide adequate storage while screening these areas from public view. The design of driveway crossovers, parking areas, accessways and elements that interact with the public realm should also safely and efficiently accommodate the collection of waste and recycling materials.

- 7.12.2 Additionally, new developments should provide a dedicated area for the on-site storage, collection and sorting of recyclable materials and waste that is safe and convenient (Council Wide PDC 147, 169 and 170).
- 7.12.3 A communal waste storage area would be provided, though for the purposes of housing separate general waste, recycling and green organics bins for each dwelling. While it is acknowledged that the development would not meet the threshold provided by Council Wide PDC 171 (by which development with a gross floor area of 2,000m² or more should provide for communal storage, collection and management of waste), it is nonetheless concluded that the proposal does not sufficiently address issues of amenity and efficiency.
- 7.12.4 It is therefore recommended that the consideration of the waste management plan be reserved for further assessment and approval by Council. It is anticipated that this would not result in changes to the layout or appearance of the building, as larger communal bins could be accommodated.

7.13 Overshadowing

- 7.13.1 Generally, the design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of windows of main internal living areas; upper-level private balconies that provide the primary open space area for a dwelling; and solar collectors (Council Wide PDC 138).
- 7.13.2 The subject site, along with properties directly east and south of the subject site, is identified to be developed at a greater intensity than that of the existing built form. This notwithstanding, the natural features of the allotment, including its north-south orientation and southern street frontage, combined with the side and rear setbacks of the building minimise the impact of overshadowing in the intervening period.
- 7.13.3 Given that the subject site is not located adjacent a different zone, the overshadowing provisions that apply generally within the Council are less relevant to the proposed development. Nonetheless, the proposal is expected to comply with the relevant provisions of the development plan in relation to overshadowing and to avoid unreasonable impact to adjoining neighbours.

7.14 Visual Privacy

- 7.14.1 It is anticipated that a variety of measures should be used to minimise direct overlooking into adjacent internal living and private open space areas. Such measures should be integrated into the overall building design and should have minimal negative effect on the amenity enjoyed by the occupants of neighbouring dwellings (Council Wide PDC 139).
- 7.14.2 It is noted that the commonly used 1.7m and 1.8m high privacy screens for windows and balconies referred to in Council Wide PDC 90 are specifically excluded for buildings that are three or more storeys in height in the Urban Corridor Zone.
- 7.14.3 Notwithstanding this, the proposal would feature 1.7m high fixed and obscured glazing to be used in all east- and west-facing windows and to all north-facing windows except those that are of a 1.7m minimum sill height. All balconies would be located forward of adjoining dwellings, with 1.8m privacy screens proposed in lieu of east- and west-facing balustrades

7.14.4 Given the above, no unreasonable privacy impacts upon adjacent properties or future occupants of the proposed building are anticipated.

8. CONCLUSION

- 8.1 The proposal seeks to establish a medium to high density residential land use on the subject land. The building would be four storeys in height, which is the maximum height anticipated by Council's Development Plan for this site.
- 8.2 The proposal would have adequate private open space, storage facilities, waste collection areas and thermal comforts in accordance with the Development Plan provisions. The floor plans proposed would provide functional and usable living spaces, and privacy and noise impacts would be moderated through good design and noise attenuation techniques.
- 8.3 The Design Review Process has resulted in improvements to the aesthetic properties and functionality of the ground level of the building. While the orientation of the apartments is not ideal, the amenity of future occupants has been improved and is anticipated to be refined yet further
- 8.4 Vehicular access would be provided from Allan Street, with appropriate car and bicycle parking areas provided. The proposal would provide suitable security and visual privacy outcomes, with overshadowing impacts minimised. The proposal would also provide for adequate capture and re-use of rainwater.
- 8.5 Waste management and shade canopy details should be reserved for further consideration, with each displaying suitable opportunities for further detailed design considerations to achieve the relevant requirements of the Development Plan.
- 8.6 The application is therefore considered to be relatively consistent with the relevant provisions of the Prospect (City) Development Plan and warrants the granting of development plan consent, subject to the reserving of some matters for further assessment and appropriate conditions.

9. RECOMMENDATION

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/404/2014 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the *Development Act 1993*, as amended, Development Plan Consent be approved to DA 050/404/2014 from Elena Levitan for a Four Storey Residential Flat Building comprising Four Storey Residential Flat Building comprising 6 Dwellings with Associated Car and Bicycle Parking, Storage Facilities and Landscaping (CT 5501/133), subject to the following reserved matters, and draft conditions and notes that may be added to or altered following satisfactory resolution of reserved matters by Council administration:

Reserved Matters:

1. A detailed design of window sizes and shade canopies to minimise the effects of heat loading on east- and west-facing windows.

2. Detail on the methods to be used for ongoing general waste management, including the appropriate storage and collection of putrescible waste, green (organic) waste and recyclable materials.

Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/404/2014, except as modified by any conditions detailed herein. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation of the approved development.
2. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving, and be properly drained. The surfacing of the driveway and drainage shall be maintained to the reasonable satisfaction of Council thereafter.
3. The drainage system shall be designed, installed and maintained at all times thereafter to ensure that water from the site does not:
 - a) Flow or discharge onto adjoining properties;
 - b) Flow across the surface of footpaths or public ways;
 - c) Affect the stability of any building; or
 - d) Create unhealthy or dangerous conditions on the site or within any building.
4. The features and materials set out in Drawing Number '14665' Revision '02B' approved herein are essential elements of the building and shall be established and maintained at all times to the reasonable satisfaction of Council.
5. Air-conditioning units and solar hot water heaters shall be provided with screening devices designed to complement the colours, materials and finishes of the building approved herein, and shall be sited on the roof of the building to adequately screen the units from view to the reasonable satisfaction of Council.
6. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of materials or goods including waste products and refuse.
7. Permanently fixed clotheslines shall not be located on balconies.
8. To maximise the efficiency of waste recycling:
 - a) Provision shall be made for the separation of recyclable materials for collection and recycling, including paper, cardboard, glass and plastic containers, tins, and any other plastic that 'holds its shape';
 - b) Separate provision shall be made for the collection of food waste (food organics) and food-contaminated cardboard, paper or paper products, which are to be collected for composting; and
 - c) Paper attached to plastic, wax paper or chemically-treated/gloss cardboard will not be included with the materials collected for composting.
9. Service vehicle movements shall occur outside of the peak periods associated with the use approved herein and in any event shall not occur before 6am or after 9pm on any day.
10. The building must be maintained, kept tidy, free of graffiti and in good repair and condition at all times.

11. All car parking spaces must be line-marked in accordance with the approved plans and to comply with the Australian/New Zealand Standard for Parking Facilities (Part 1: Off-street Car Parking (AS/NZS 2890.1:2004) prior to occupation.
12. The surfacing of the car park, line marking and directional arrows shall be maintained to the reasonable satisfaction of Council at all times.
13. Driveways, parking and manoeuvring areas shall be lit in accordance with the Australian Standard for Lighting for Roads and Public Spaces (AS1158.1 and AS1158.3) during the hours of darkness that they are in use and accessible by the general public.
14. Wheel-stops or similar non-mountable devices shall be provided to each car park to prevent damage to the fencing.
15. Landscaping shall be provided in the areas described by the herein endorsed Ground Level Site Plan. Landscaping shall include low-lying shrubs and the Coral Gum trees described on the herein endorsed Ground Level Site Plan.
16. All landscaping areas shall be established and maintained at all times to the reasonable satisfaction of Council. The applicant or the persons for the time being making use of the subject land shall cultivate, tend and nurture the landscaping, and shall replace any landscaping that becomes diseased or dies. An automated drip irrigation or similar watering system shall be established and maintained to ensure that sufficient water is available to satisfy the needs of the landscaping species selected.
17. During construction of the development approved herein, measures will be implemented to ensure that the construction works do not result in an unreasonable impact on occupiers of adjacent properties or pollution of existing infrastructure through drag-out or stormwater runoff. Measures shall include as necessary:
 - a) A hard surface and controlled washing zone at the entry/exit points to the site, designed to reduce the potential for mud and material dragged out by construction vehicles; and
 - b) Containment of stormwater run-off within the site, which if being discharged into the stormwater system will be filtered to the satisfaction of Council; and
 - c) Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment; and
 - d) The establishment of an appropriate storage compound for waste materials and litter. No building waste material shall be stored outside of the storage compound or similar industrial bin; and
 - e) All mechanical equipment shall be used in a manner to minimise the potential for noise pollution and ensure compliance with the requirements of the Environment Protection (Noise) Policy.
18. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths traversed by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works.

No obstruction of the footpath or roadway may occur without the prior permission of Council. For further advice, please contact Council's Infrastructure and Environment Department on 8269 5355.
19. To ensure compliance with applicable standards as described in the Environment Protection (Noise) Policy established under the Environment Protection Act, construction activities shall only take place between the hours of 7:00am and 7:00pm, Monday to Saturday inclusive, and not on Sundays or public holidays.

Advisory Notes:

- (1) Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

- (2) The development plan consent granted herein is effective for a period of twelve (12) months from the date of the decision. Unless Council extends this period, building rules consent is required within this time or the consent will lapse.

Any request for an extension of the operative period of the consent must be submitted to Council in writing, accompanied by the applicable fee.

- (3) Further application pursuant to the Local Government Act shall be made to the Infrastructure Assets and Environment Department for the proposed crossover prior to construction activities occurring.

Road/Kerbing/Footpath Works will need to be inspected by an Assets and Infrastructure Officer to determine they have met all relevant requirements. All work including line marking will be the responsibility of the applicant as will the reinstatement of any damaged Infrastructure / Services related to these works. All works will be carried out at the cost to the applicant.

- (4) Prior to the commencement of construction of the development herein approved, it is strongly recommended that you employ the services of a licensed Land Surveyor to carry out an identification survey of the subject land and to peg the true boundaries, to ensure that building work will be either on the true boundaries or the specified distance from the true boundaries of the subject land, as the case may be.

Failure to correctly site the development on the land in accordance with the plans approved herein would constitute a breach of the *Development Act 1993*. Any amendments required to the approved plans as a result of the survey are to be submitted to Council for approval prior to works commencing.

- (5) You are encouraged to consult with adjoining property owners before commencing any work, to assist in minimising nuisance or inconvenience caused during construction.

- (6) You are required to give formal notification to, and consult with, the adjoining property owner if you are removing, replacing or altering an existing fence or building a freestanding wall along the common boundary that would, for all purposes, be a dividing fence (Section 5 of the *Fences Act 1975*).

- (7) If you (the building owner) are undertaking building work that affects the stability of other land or premises, namely:

- an excavation which intersects a notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point 600mm below natural ground level at a boundary with an adjoining site (as depicted in figure 1); or
- an excavation which intersects any notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point at natural ground level at any boundary between 2 sites (not being a boundary with the site of the excavation), where the boundary is within a distance equal to twice the depth of the excavation (as depicted in figure 2); or

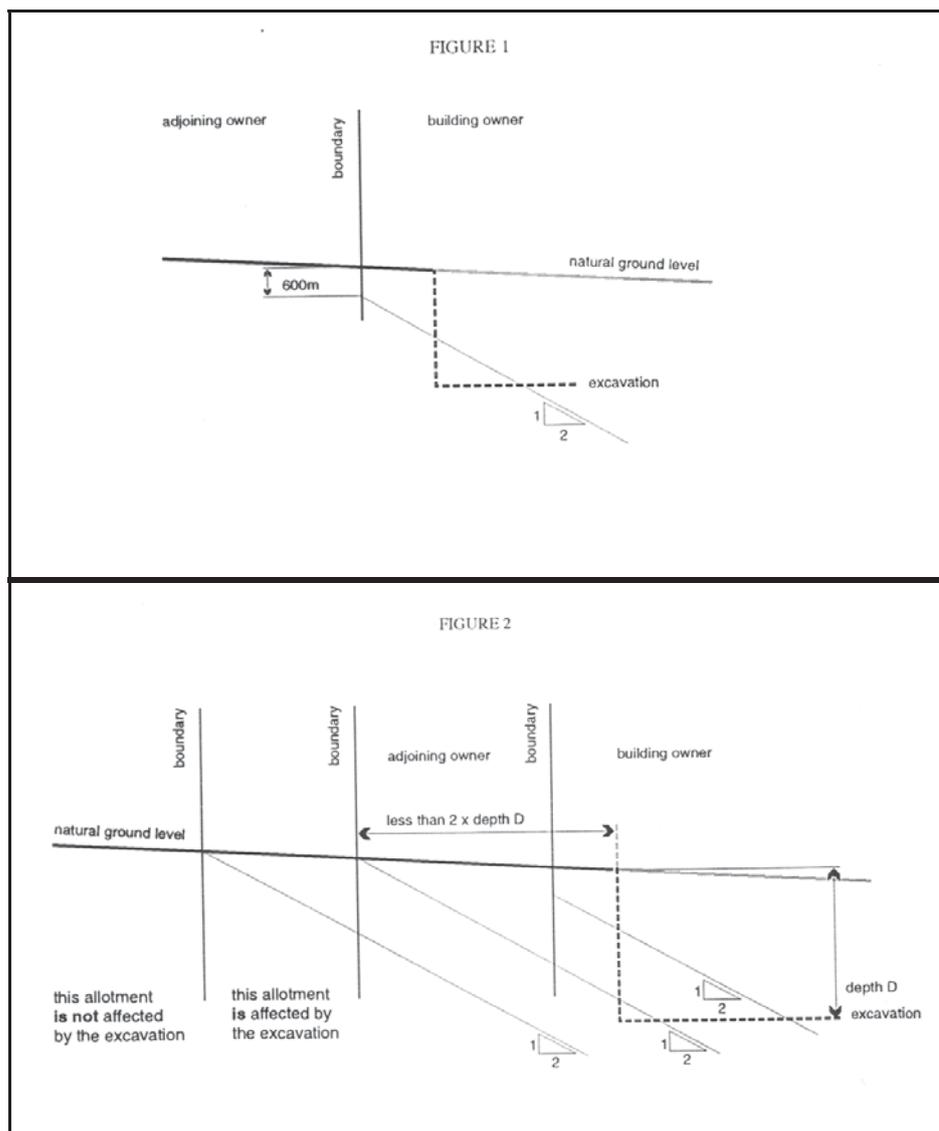
- any fill which is within 600mm of an adjoining site, other than where the fill is not greater than 200 millimetres in depth (or height) and is for landscaping, gardening or other similar purposes;

Then you (the building owner) must, at least 28 days before the building work is commenced:

- serve on the owner of the affected land or premises a notice of intention to perform the building work and describing the nature of that work; and
- you must take such precautions as may be prescribed to protect the affected land or premises and must, at the request of the owner of the affected land or premises, carry out such other building work in relation to that land or premises as that adjoining owner is authorised by the regulations to require.

If you fail to comply with these notification requirements, then you are guilty of an offence with a maximum penalty of \$10 000.

You may apply to the Court for a determination of what proportion (if any) of the expense incurred by you in the performance of the building work requested by the owner of affected land or premises (under subsection (b) above) should be borne by the owner of that land or premises, and you may recover an amount determined by the Court from the owner of the affected land or premises as a debt.

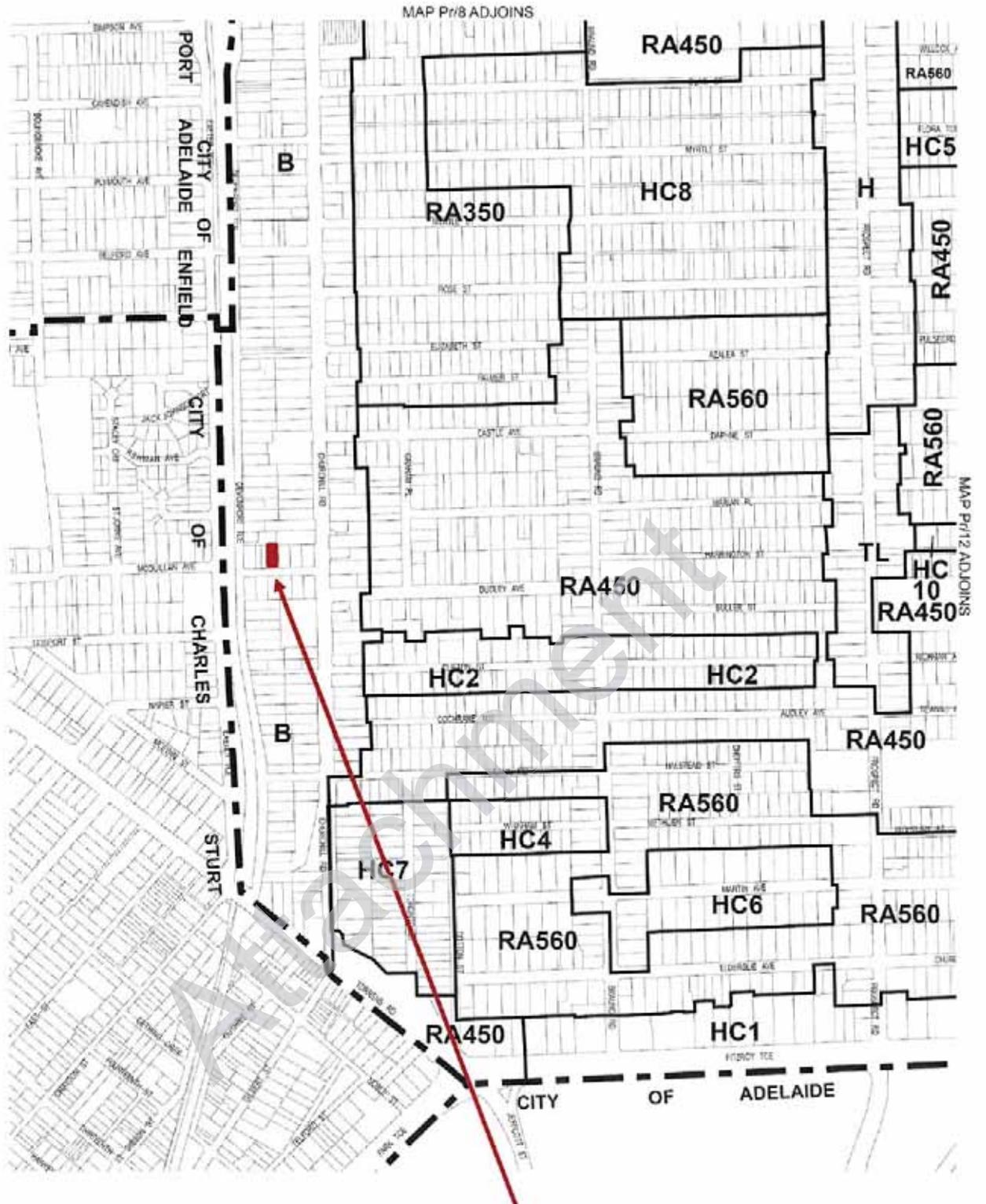


- (8) The Metropolitan Adelaide Road Widening Plan (MARWP) shows a possible requirement for the balance of a 4.5 x 4.5 metres cut-off at the Churchill Road / Allan Street corner. DPTI Requires that a minimum 3 x 3 metres cut-off be kept clear of fencing/structures to preserve sight lines across the corner should widening occur along Churchill Road in the future (note that a 2.13 metre strip of land was excised from this site in 1977 and that the site to the north remains affected by MARWP).

Subsequently, should Council approve the development in its current form, the applicant should fill out the attached consent form and return it to DPTI with 3 copies of the approved plans. Consent can be anticipated.



Scott McLuskey
Senior Development Officer, Planning



- RA560 Residential Policy Area A560*
- RA450 Residential Policy Area A450
- RA350 Residential Policy Area A350
- HC1 Historic Conservation Area 1 Policy Area
- HC2 Historic Conservation Area 2 Policy Area
- HC4 Historic Conservation Area 4 Policy Area
- HC5 Historic Conservation Area 5 Policy Area
- HC6 Historic Conservation Area 6 Policy Area
- HC7 Historic Conservation Area 7 Policy Area
- HC8 Historic Conservation Area 8 Policy Area
- HC10 Historic Conservation Area 10 Policy Area
- B Boulevard Policy Area
- H High Street Policy Area
- TL Transit Living Policy Area
- Policy Area Boundary
- - - - - Development Plan Boundary
- Area not covered by Policy

Subject Land

Scale 1:8000

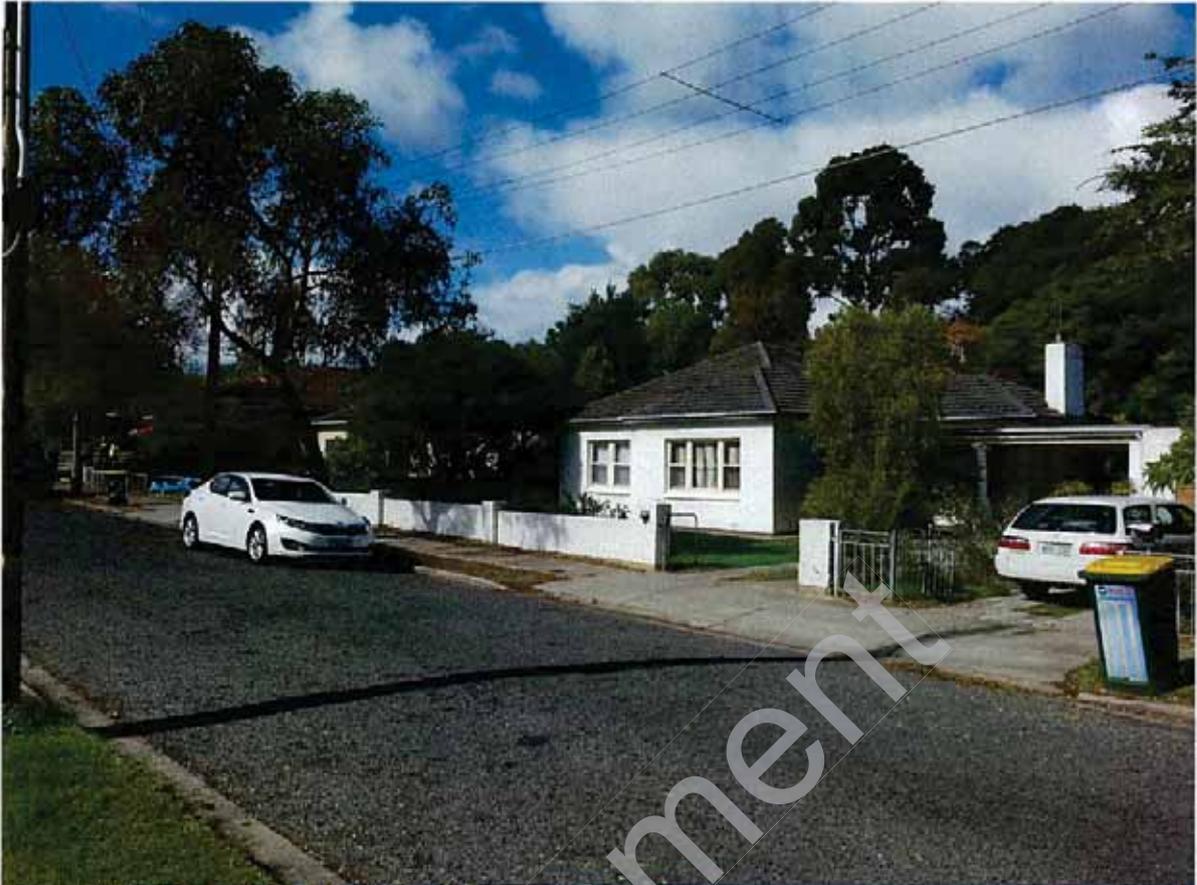


**PROSPECT COUNCIL
POLICY AREAS
MAP Pr/11**

Consolidated - 12 February 2014



Photographs showing dwellings adjacent to the subject site, to the east and west respectively



Photographs showing dwellings on the opposite side of Allan St, to the east and west of the subject site respectively



Civic Centre
 128 Prospect Road
 Prospect SA 5082 AUSTRALIA
 Telephone: 08 8269 5355
 Email: admin@prospect.sa.gov.au

Subject Site



Notes

Disclaimer

This map is a representation of the information currently held by the City of Prospect. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.



Photograph of subject site showing existing single storey dwelling

Attachment

L1 / 137 MARION ROAD
 RICHMOND, S.A. 5038
 TELEPHONE 08 4352 3900
 FACSIMILE 08 4352 2984
 E-MAIL projects@carumag.com.au

GENERAL NOTES

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IT IS THE BUILDERS' CONTRACTORS RESPONSIBILITY TO OBTAIN AND VERIFY ALL DIMENSIONS AND DETAILS FROM THE DRAWINGS OR OTHERWISE AND TO OBTAIN ALL NECESSARY APPROVALS & PERMITS. THE CLIENT WILL NOT ACCEPT ANY RESPONSIBILITY FOR WORKS AND/OR CONSTRUCTION.

VERIFY ALL DIMENSIONS PRIOR TO THE COMMENCEMENT OF ANY WORK DETAILS. FABRICATION OF CONSTRUCTION TO THE PRESCRIBED DIMENSIONS IS THE RESPONSIBILITY OF THE CONTRACTOR.

COMPLY WITH THE BUILDING CODE OF AUSTRALIA, BUILDING ACT AND REGULATIONS AND ALL APPLICABLE STANDARDS AND LOCAL AUTHORITIES.

VERIFY ALL MATERIALS, FINISHES & WORKMANSHIP WITH THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF ANY WORK. THE CLIENT WILL NOT ACCEPT ANY RESPONSIBILITY FOR WORKS AND/OR CONSTRUCTION.

VERIFY ALL DIMENSIONS PRIOR TO THE COMMENCEMENT OF ANY WORK. THE CLIENT WILL NOT ACCEPT ANY RESPONSIBILITY FOR WORKS AND/OR CONSTRUCTION.

SITE PLAN

REFER TO EXISTING/DEMOLITION PLANS FOR ALL LEVELS, NETWORKS, WALLS & OTHER WORKS TO BE DEMOLISHED.

SITE PLAN DRAWING & DETAILS FOR INDICATIVE BUILDING SET-OUT PURPOSES ONLY. APPROVALS, SUBMISSIONS, PERMITS AND ALL OTHERS, CONTRACTORS, DESIGNERS, ENGINEERS, ARCHITECTS, & SURVEYORS SHOULD CONSULT WITH THE CLIENT PRIOR TO ANY CONSTRUCTION.

THESE PLANS WILL NOT BE USED FOR CONSTRUCTION WITH A METHOD OF THE PROPOSED BUILDING WORKS AND WORKS SHOULD OBTAIN APPROVAL OF THE CLIENT AND TO BE REVIEWED BY AN APPROVED PROFESSIONAL ENGINEER, ARCHITECT, SURVEYOR, & BUILDING DESIGNER PRIOR TO ANY CONSTRUCTION.

TITLE DETAILS

NO.	REVISION	DATE
1	ISSUED	21.11.14
2	FOR APPROVAL	08.01.15

NO.	REVISION	DATE
1	ISSUED	21.11.14
2	FOR APPROVAL	08.01.15

FOR PLANNING APPROVAL

CLIENT
 KOURION S.A. P/L

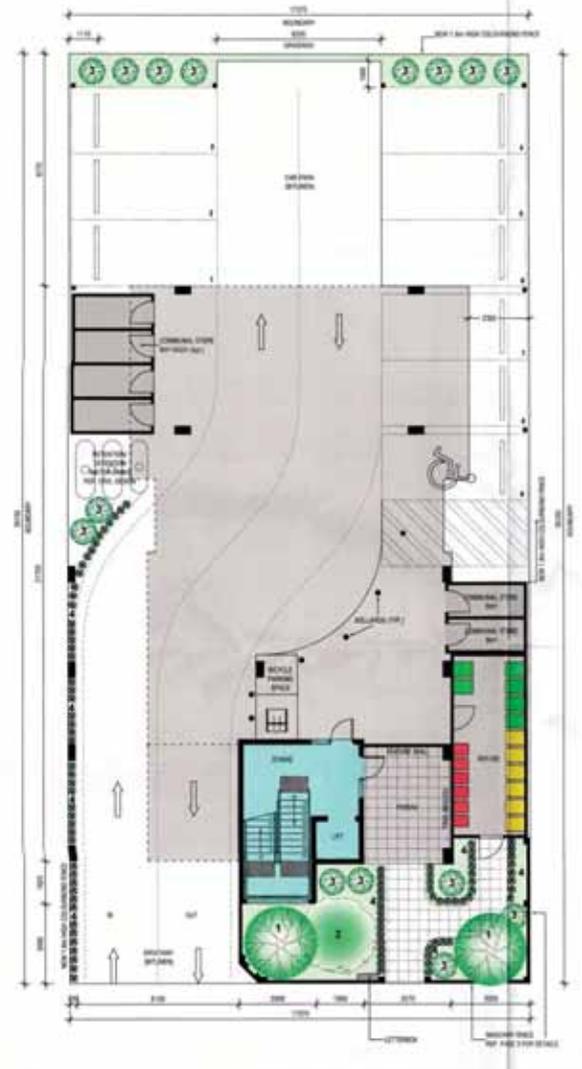
PROJECT
 PROPOSED NEW APARTMENT BUILDING
 8 ALLAN STREET, PROSPECT, SA 5087

TITLE: GROUND LEVEL/ SITE PLAN, TYPICAL FLOOR PLAN, GRID SET-OUT PLAN, EXISTING/DEMOLITION PLAN, NOTES

DATE: 30.04.15 **DRAWN:** MMV/SL **SCALE:** AS SHOWN ON PL

DRAWING NO./REVISION: 14665 - 01B

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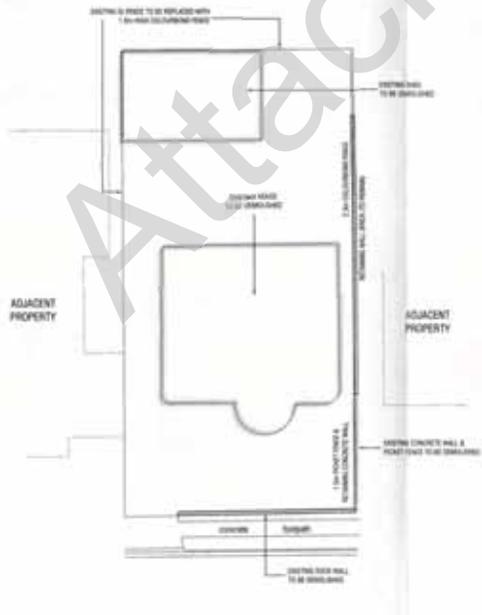


GROUND LEVEL SITE PLAN SCALE 1:100

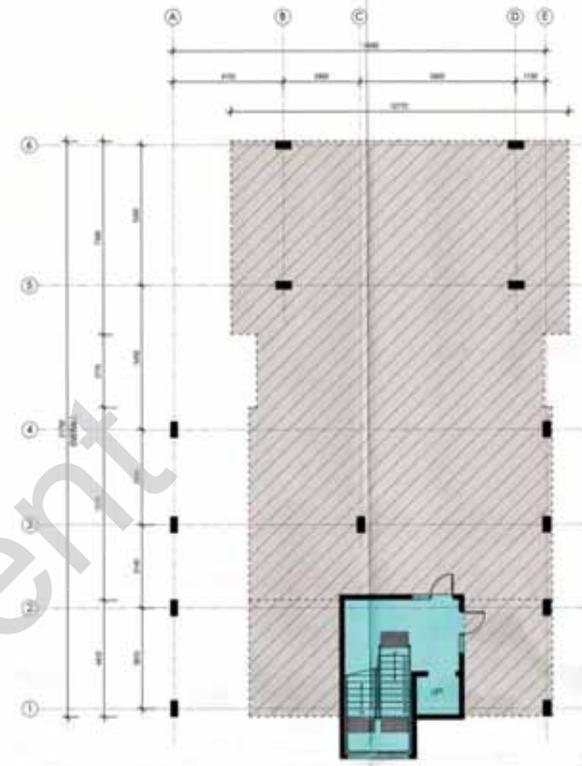
- 1. CORAL GUM
2-3m(W) x 4-10m(H)
- 2. CREEPING BOOBBALLA
3m(W) x 0.1m(H)
- 3. SPIDER FLOWER
1m(W) x 2m(H)
- 4. BLACK MONDO GRASS OR "ALBA VARIEGATA" (STRIPY WHITE)
0.3m(W) x 0.3m(H)



LEVELS 1-3 TYPICAL TREE BEDROOM APARTMENT FLOOR PLAN SCALE 1:100



EXISTING/DEMOLITION PLAN SCALE 1:200

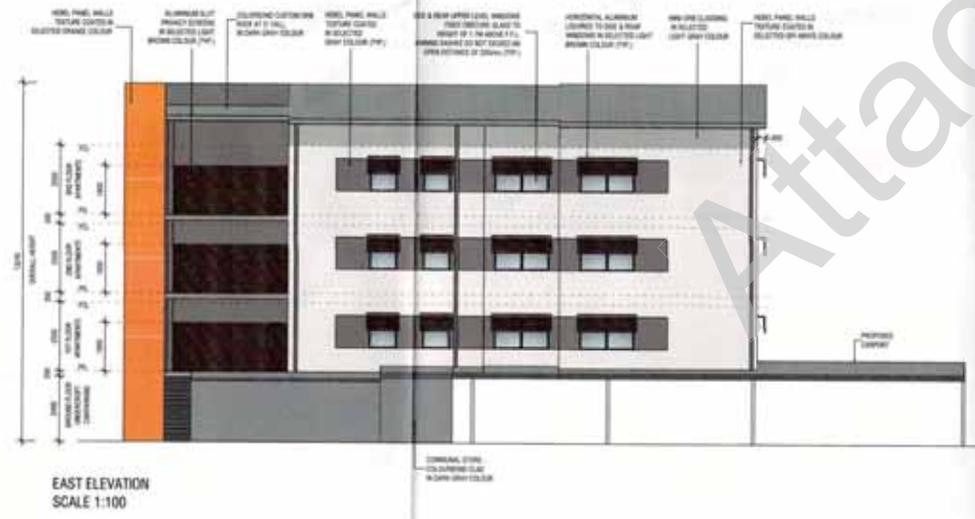
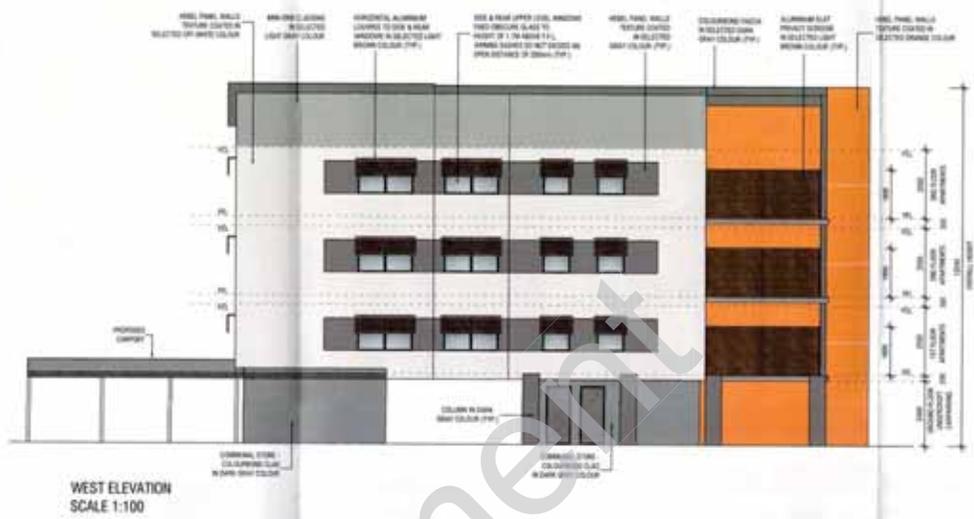


GROUND LEVEL - GRID SET-OUT PLAN SCALE 1:100

AREAS

SITE AREA	92.00 m ²
DRIVING CURB AREA	22.24 m ²
BIKEWAY LIFT STAIRS	12.84 m ²
COMMON STAIRS	20.00 m ²
CONCRETE AREA	20.00 m ²
APARTMENT LEVEL TYPICAL	84.17 m ²
INTERNAL LOBBY AREA	AREA MEASURED TO INSIDE OF THE EXTERNAL WALLS
BALCONY AREA PRIVATE OPEN SPACE	15.04 m ²
TOTAL BUILDING AREA	118.84 m ²
RESIDENTIAL LEVEL FLOOR AREA FOR TWO APARTMENTS	238.84 m ²
APARTMENT LEVEL TYPICAL	84.17 m ²
INTERNAL LOBBY AREA	AREA MEASURED TO INSIDE OF THE EXTERNAL WALLS
BALCONY AREA PRIVATE OPEN SPACE	15.04 m ²
TOTAL BUILDING AREA	118.84 m ²
RESIDENTIAL LEVEL FLOOR AREA FOR TWO APARTMENTS	238.84 m ²
APARTMENT LEVEL TYPICAL	84.17 m ²
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BALCONY AREA PRIVATE OPEN SPACE	15.04 m ²
TOTAL BUILDING AREA	118.84 m ²
RESIDENTIAL LEVEL FLOOR AREA FOR TWO APARTMENTS	238.84 m ²

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Attachment

#	Various Amendments	30.04.15
#	Client Initial	21.11.14
Initial	amendment	000

FOR PLANNING APPROVAL

CLIENT
 KOURION S.A. P/L

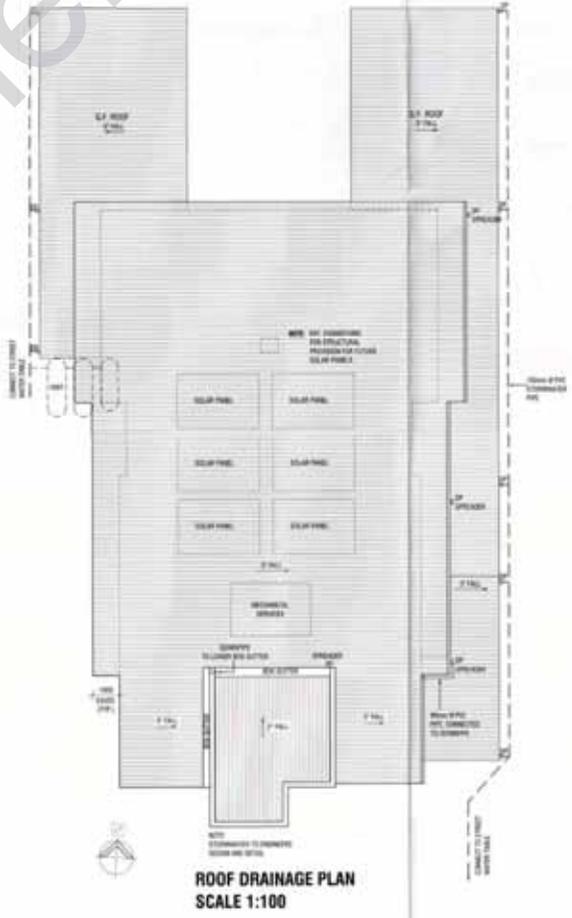
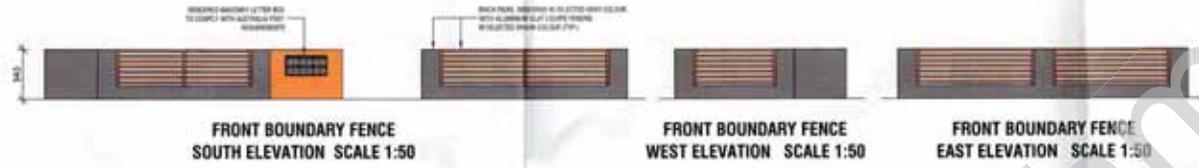
PROJECT
 PROPOSED NEW APARTMENT
 BUILDING
 # ALLAN STREET, PROSPECT, SA 5082

TITLE
 ELEVATIONS

DATE	30.04.15	DRAWN	MRD/SL
SCALE	AS SHOWN @ 1:1		
DRAWING NO./REVISION	14665 - 02B		

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Rev	Revised Arrangements	30.04.15
1	Client added	21.11.14
Revised	arrangement	08/11

FOR PLANNING APPROVAL

CLIENT
 KOURION S.A. P/L

PROJECT
 PROPOSED NEW APARTMENT BUILDING
 8 ALLAN STREET, PROSPECT, SA 5882

TITLE: SITE AERIAL VIEW, STREET ELEVATION, ROOF DRAINAGE PLAN

DATE	30.04.15	DRAWN	MMB/EL
SCALE		AS SHOWN @ 1:100	
DRAWING NO./REVISION	14655 - 03B		

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MEMORANDUM

TO	Scott McLuskey
FROM	Elena Levitan
PROJECT	Four Storeys Residential Flat Building at 8 Allan Street, PROSPECT
SUBJECT	Design / Submission letter
DATE	Friday 01 May 2015

Further to our recent meeting and correspondence pertaining to the above-noted project, we submit the following in support of our Planning application:

Size and orientation of window openings

The window sizes are reduced as recommended.

Internal space and private open space

The proposed orientation of the internal spaces and the private open space is considered the most beneficial due to:

- If the living areas were to face north, the overlooking planning regulation requiring 1700 mm high screening will negate the sun orientation benefit as well as eliminate family room views to the outside space.
- Additionally, if the living areas were to face north, the project viability to sell the apartments to potential buyers would be greatly diminished (as per the advice issued to our Client by Real Estate Agents).

Shading of window openings

Exterior horizontal shading is introduced as recommended. The technical data for the louvres will be specified at the working drawings stage.

Cross ventilation

Cross ventilation in the rooms is addressed by introduction of the ceiling fans. (The industry standard ceiling height is 2400 mm).

Access/Egress area

Landscaping adjacent to the access/egress area has been addressed with the introduction of plants as shown on the drawings.

Waste management

The waste management solution is still being investigated and requires further consultation with the Council. We recommend that this matter is dealt as a condition of the approval.

Pedestrian entry point

The entry point into the building is identified by the feature entry sign combining number 8 and the arrow forming part of the feature wall.

External materials

The external materials of the building include Hebel panels texture coated in three different colours with express joints to the stair/lift/ foyer area, mini-orb cladding, steel columns and balustrades and aluminium slat screens as shown on the drawings.

Mechanical services

The mechanical services will be located on the roof as noted on the roof plan.

Solar panels

The note for the roof structure to be engineered to accommodate future solar panels has been added.

Regards

Elena Levitan

Attachment

LUMENSTUDIO

Julian Rutt
B.Arch (hons), AIA
jrutt@adam.com.au
0422 305 099

6 Dec 2014

By email: scott.mcluskey@prospect.sa.gov.au

City of Prospect
Development Services
128 Prospect Road
Prospect SA 5082

Attention: Scott McLuskey
PRIVATE AND CONFIDENTIAL

Dear Scott

DESIGN REVIEW: 8 ALLAN ST PROSPECT

Regarding the information provided on Carumag drawings 14665-01, 02 & 03 for the proposed apartment building at 8 Allan Street Prospect, and in the framework of providing design review advice, I offer the following comments;

At four storeys including car park, the proposal fits with the desire to increase density along major thoroughfares. The building's scale is appropriately broken down, though noted that its size is (currently) at odds with its context of adjoining properties.

With the site having more area facing east and west, there are significant concerns about lack of consideration to solar orientation where northern facing windows are actually smallest and shading not differing between different facades, similarly the main living spaces have been proposed to the south rather than north. Given the number of apartments and their long orientation, the ability to use cross breezes is enhanced however low floor to floor heights may prevent the safe use of ceiling fans and increase the likelihood that the apartments be closed up in summer with a reliance on the use of artificial air conditioning.

Though the apartment layout does not make best use of solar orientation, positioning the living spaces to the south reduces privacy/overlooking concerns with neighbouring properties. Landscaping appears to be mostly relegated to left over space despite there being the potential for providing bigger zones, this possibly being partly due to over provision of separate vehicle access lanes both into and out of the site. Some parking spaces need widening to comply with parking standards and the fencing around the entry courtyard has not been shown/specified. The communal storage area with corridor appears to be less than ideal practically and from a safety perspective.

Overall this proposal exhibits elements of merit but could benefit from a detailed integration of environmental design principles, improvement of the internal and external planning concerns and greater aesthetic consideration given to the external treatments of proportion, modulation and materiality of the building as a whole.

Yours sincerely



Julian Rutt
Architect, AIA

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AGENDA ITEM: 5.6

To: Development Assessment Panel (DAP) on 11 May 2015

From: Scott McLuskey, Senior Development Officer Planning

Proposal: Four Storey Residential Flat Building comprising 15 Dwellings with Associated Car and Bicycle Parking and Landscaping (DA 050/46/2015)

Address: 157 Devonport Terrace, Prospect (CT 5716/828)

SUMMARY:

Applicant: Madison Homes

Planning Authority: Council

Referrals (Schedule 8): Not applicable

Public Notification: Category 1

Representations: Not applicable

Respondent: Not applicable

Development Plan Version: Consolidated 31 October 2013

Zone and Policy Area: Urban Corridor Zone (Boulevard Policy Area)

Issues: Car Parking, Natural Thermal Comfort, Appearance of Building

Recommendation: **Approval, subject to conditions and reserved matters**

1. EXECUTIVE SUMMARY

- 1.1.1 A four storey apartment building, comprising 15 two bedroom dwellings, 17 car parking spaces and 8 bicycle parking racks, is proposed at 157 Devonport Terrace Prospect, adjacent the Dudley Park railway station.
- 1.1.2 The proposal was a Category 1 form of development and therefore was not publicly notified, nor was any mandatory referral required. The design review concluded that the presentation of the building and its future occupant amenity would be impacted by an overzealous approach to visual privacy protection. Greater detail of building materials and finishes, waste management and landscaping was identified as desirable.
- 1.1.3 While the appearance of the building is somewhat conservative in styling, it would be of reasonably high quality. The orientation of dwellings responds well to passive thermal comfort, with a better balance able to be reached between internal amenity and visual privacy by the imposition of appropriate conditions. Car and bicycle parking provision, particularly in close proximity to the Dudley Park railway station, would be appropriate. The proposal therefore warrants development plan consent.

2. LOCALITY AND SUBJECT LAND

2.1 Locality

2.1.1 The locality is residential in nature, though comprising a mix of styles, densities and building heights. Approval was also recently given to three, three storey dwellings on nearby Winter Tce. The site is directly opposite the car park for the Dudley Park Railway Station, the platform for which is directly adjacent. It is noted that immediately west of the railway corridor, and largely unscreened from the subject site, is the Dudley Park Cemetery.

2.1.2 The broader locality, indicating the location of the subject land within the relevant Zone and Policy Area as described in Council's Development Plan is described in **Attachment 1**. Photographs of nearby properties are included at **Attachments 2-3**.

2.2 Subject Land

2.2.1 The subject land is located 30m north of Winter Terrace, adjacent the railway station. The land comprises one allotment with a total area of 710m², with a frontage of 15.2m to Devonport Terrace and a depth of 46.7m. The land is relatively flat, sloping gently from east to west.

2.2.2 Existing site improvements include a single storey detached dwelling with attached verandahs, a freestanding verandah, a granny flat to the north eastern corner of the allotment and an above-ground swimming pool. Existing vegetation is limited essentially to lawn, with no significant trees on the subject land or within close proximity on adjoining allotments. The subject land is illustrated on **Attachment 4**. Photographs of the subject land are also included for the DAP's reference (refer **Attachment 5**).

3. PROPOSAL

3.1 The proposal comprises the construction of a four storey residential flat building incorporating 15 two-bedroom dwellings. 17 car parking spaces and 8 bicycle parking spaces would be provided at ground level, along with a refuse area, storage area, an entry foyer and secondary stairwell, and a modest landscaping area forward of the building.

3.2 The proposal plans are attached (refer **Attachments 6-9**).

4. REFERRALS

4.1 Internal (Advisory) Referrals

4.1.1 An emphasis on high quality building and landscape design, with consideration of urban design principles is a fundamental component of any new development within the Urban Corridor. Accordingly, the proposal was referred to Mr Julian Rutt of Lumen Studio for informal design review in accordance with Council's Design Review Process for Higher Density Development (refer **Attachments 10-12**).

4.1.2 Briefly, the review identified the following:

- While effort has been taken to break up massing to the street (west) façade of the building through modulation and material variation, the extent of privacy screening and height of window sills limits the success of this approach to remaining facades.

- Further, while the building makes reasonable use of ideal solar orientation, limited window sizes and high levels of screening limit sunlight penetration. Suitable opportunities are available for cross-ventilation. North-facing windows would benefit from shade canopies.
- While screening is supported to west-facing windows in some respects, passive surveillance to the street is diminished. The proposal would benefit from a more detailed consideration of landscaping, water capture and re-use and the provision of a materials and finishes schedule.

4.1.3 It is worthy of brief note that the design review process has erroneously considered several of the Residential Zone transitional principles with respect to side and rear setbacks. It is appreciated that Mr Rutt sought to identify possible departures from the Development Plan and reflect upon their relationship to the design of the building. It is also noted however that these comments, while of interest, may be of lesser relevance than others in the planning assessment of the proposal.

5. PUBLIC NOTIFICATION

- 5.1 A residential flat building is a Category 1 development unless it is located on land adjacent to the Residential Zone or Historic (Conservation) Zone and it would be three or more storeys (or 11.5 metres or more in height), and it would exceed the 'Building Envelope - Interface Height Provisions' (UCZ PDC 22).
- 5.2 The subject land is not located adjacent either the Residential Zone or the Historic (Conservation) Zone (refer Attachment 1) so is a Category 1 form of development for which no public notification is undertaken.

6. PLANNING COMMENTARY

- 6.1 The application involves building work and therefore an application to Council is required. The proposal is neither a complying nor a non-complying development with reference to Principles of Development Control 20 and 21 of the Urban Corridor Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.
- 6.2 Pursuant to Section 35(2) of the *Development Act 1993*, a development that is assessed by the Council as being seriously at variance with the Development Plan must not be granted consent. To this end, the Panel must determine whether the proposal is seriously at variance with the Development Plan prior to making a decision on the application.

7. PLANNING ASSESSMENT

7.1 Land Use

7.1.1 It is anticipated that development within the Urban Corridor Zone would enable a high quality mixed use urban environment that contributes to the economic vitality of the City of Prospect by increasing the density of housing, as well as the number and the diversity of businesses and other services offered to residents and the wider community (UCZ Desired Character Statement).

7.1.2 This is reinforced by the following Objectives of the Urban Corridor Zone:

Objective 1: *A mixed use zone accommodating a range of compatible non-residential and medium and high density residential land uses orientated towards a high frequency public transport corridor.*

Objective 2: *Integrated, mixed use, medium and high rise buildings with ground floor uses that create active and vibrant streets with residential and commercial development above.*

Objective 3: *A mix of land uses that enable people to work, shop and access a range of services close to home.*

7.1.3 Furthermore PDC 1 of the zone outlines the types of development, or a combination thereof, which are envisaged within the Zone. A residential flat building is one of the types of development listed, therefore the proposal is considered to be an appropriate type of development.

7.2 Site Density

7.2.1 The Boulevard Policy Area anticipates medium and high density housing. This would primarily be in the form of apartment and terrace style dwellings along with mixed-use buildings to accommodate a diversity of dwelling types within the precinct. In order to achieve this, the minimum residential site density for residential development within the Boulevard Policy Area is 100 dwellings per hectare net (UCZ PDC 5).

7.2.2 The subject site has an area of 710m² and the minimum net residential site density would therefore be achieved through the provision of 7 dwellings. The proposal is for 15 dwellings within the residential flat building, therefore comfortably satisfying the desired minimum density for new development.

7.3 Traffic and Vehicular Movements

7.3.1 It is anticipated that the number, location and design of access points on public roads should be such as to minimise traffic hazards, queuing on roads, interference with the function of intersections and traffic control devices and intrusion of through traffic into adjacent residential streets (Council Wide PDC 210).

7.3.2 Access to the site would be via a 6m wide crossover to Devonport Terrace, which would involve the relocation and widening of the existing crossover. Sufficient areas would be provided on the site to ensure that all vehicles are capable of entering and exiting the site in a forward motion. Further, the location of the access roller door would ensure that vehicles could enter the site while awaiting access to the parking area.

7.3.3 Given the above, it is concluded that the proposed access arrangements provide for safe and convenient vehicle movement, and satisfactorily respond to the relevant provisions of the Development Plan.

7.4 Design and Appearance

7.4.1 It is anticipated that development within the Urban Corridor Zone would achieve a high standard of architectural design through careful building articulation and fenestration to all visible sides. Building facades should involve the careful use of a diversity of building materials to create a high quality building appearance.

7.4.2 Landscaping should consist of low-lying shrubs and trees with relatively clean trunks and high canopies. Street fencing should be articulated horizontally or vertically to provide visual interest, while providing appropriate visual privacy to ground floor dwellings (UCZ BPA Desired Character Statement).

- 7.4.3 The proposed building would be a maximum height of 13.5m above natural ground level and would incorporate vertical and horizontal articulated features that utilise physical recession, colour and material contrasts to provide a modern design with an appropriate level of visual interest. A single storey protruding canopy, stone feature wall and feature tree plantings represent human scale design features, guiding pedestrian access to the building.
- 7.4.4 Northern and western facades would feature a substantial number of window openings, while balconies and walkways would introduce open spaces to the northern and southern facades providing visual relief to the building mass. Privacy screening would be in the form of timber coloured aluminium slats, with contrasting colour finishes delineating balustrades and protruding building elements.
- 7.4.5 Council's independent consulting architect has identified that an altered approach to privacy screening and window sill heights would improve the aesthetic qualities of northern, eastern and southern building facades. Council's planning staff agree with this finding and consider the visual privacy implications of such alterations further in this report.
- 7.4.6 The dwellings would have a north-south orientation, each with separate balconies facing north. The location of windows and doors would enable high levels of natural light to all rooms while permitting natural cross ventilation.
- 7.4.7 Internal dwelling floor areas would vary from 61m² to 71m², exclusive of balconies. Bedrooms would be reasonably generous in minimum dimension, with master bedrooms of minimum 3.1m dimension and secondary bedrooms of minimum 2.7m dimension, exclusive of built in robes.
- 7.4.8 The external building materials and finishes have been designed to ensure an appropriate interface between the public and private realms. It is also considered that the architectural features of the proposed building would provide an appropriate level of visual interest and quality built form.
- 7.4.9 The design and appearance of the building is supported. To ensure a built outcome of appropriate quality for the proposal, conditions reinforcing key design elements, and requiring the provision of a colour and materials schedule, are recommended.

7.5 Setbacks

- 7.5.1 Within the Boulevard Policy Area, the minimum setback from the primary road is 3m unless varied by the Concept Plans within Council's Development Plan. For allotments with a frontage width of 20 metres or less, there is no minimum setback for the first 2 levels of a building from a side boundary when adjoining another allotment, while a minimum 2m setback is required for all levels above this height (UCZ PDC 16 and 18).
- 7.5.2 The front wall of the building would be setback 3.9m from the Devonport Tce boundary of the site, with the stairwell projecting forward to a minimum 2.5m setback.
- 7.5.3 At all floors above the ground floor, the building would be setback 2m to both the northern and southern boundaries of the site. Balconies would protrude forward of the northern building façade to a minimum 1.2m setback to the northern boundary.

- 7.5.4 At all floors above the ground floor the building would be set back 3m from the rear boundary of the site, with the secondary stair well protruding forward of the eastern building façade to a minimum 2.5m setback to the eastern boundary.
- 7.5.5 Departures from the desirable minimum setback distances are minor in nature, involving limited portions of building walls and balconies of a 3m depth. As potential concerns relating to building mass and sunlight penetration have been addressed, the approach to setbacks is considered to suitably address the relevant provisions of the Development Plan and is supported.

7.6 Energy Conservation Measures

- 7.6.1 It is desired that all dwellings provide adequate thermal comfort for occupants through passive design features such as orientation of windows, living areas and private open space, and cross-ventilation (Council Wide PDC 79).
- 7.6.2 The apartments would be north-south oriented, though bedrooms to the front and rear of the building would feature west- and east-facing windows respectively. Cross-ventilation opportunities, particular in central apartments, would be high.
- 7.6.3 The design review has identified that despite the layout responding well to ideal solar orientation, sunlight penetration is limited to bedrooms and living areas due to an overzealous approach to privacy screening. Revisions should be explored to increase north- and east-facing window sizes and to decrease the height of privacy screens to north-facing balconies. North-facing windows would also feature shade canopies that limit summer solar access.
- 7.6.4 It is anticipated that heating and cooling would be via individual gas hot water systems and air-conditioning units, which would be screened and located on the roof of the building. It is recommended that a condition be placed confirming this if consent is to be granted.
- 7.6.5 With the imposition of appropriate conditions that would increase window sizes and decrease privacy screening, the building design incorporates features to provide adequate thermal comfort to occupants. The design is therefore considered to adequately respond to passive thermal design principles and is supported.

7.7 Noise Attenuation

- 7.7.1 It is anticipated that noise and air quality impacts should be mitigated through appropriate building design and orientation (UCZ Objective 1). Residential buildings should feature adequate separation between the habitable room windows and balconies of other buildings (Council Wide PDC 161).
- 7.7.2 In addition to the above, the subject land is identified within Map Pr/1 (Overlay 5) for the purpose of noise and air emissions. It is outlined by PDC 1 of the Noise and Air Emissions Overlay that sensitive development located adjacent to high noise and/or air pollution sources should be additionally protected from these additional potential impacts.
- 7.7.3 It is also desirable that attached dwellings are designed to minimise the transmission of sound between dwellings, particularly between living areas and bedrooms (Council Wide PDC 93). It is noted that the layout of dwellings is such that most dwellings would not feature bedrooms that abut the living area of an adjoining dwelling (with the exception of dwellings 2, 7 and 12).

- 7.7.4 The construction of the building would need to be undertaken in accordance with the Minister's Specification SA78B – Construction requirements for the control of external sound. Compliance with the Minister's Specification would be required as part of the Building Code of Australia (BCA). This notwithstanding, it is considered appropriate that a condition be imposed ensuring the appropriate treatment to west-facing window and door openings of dwellings 1, 6 and 11.

7.8 Private open space provision

- 7.8.1 Private open space should be provided for each dwelling and should be located so that it is accessible directly from internal living areas (Council Wide PDC 148). Private open space areas located above ground level should have a minimum width of 2 metres and be directly accessible from a habitable room (Council Wide PDC 153). Two bedroom dwellings should have a minimum of 11m² of private open space (Council Wide PDC 152).
- 7.8.2 All dwellings would private 11m² of north-facing private open space, with most balconies featuring a minimum 3m dimension. Balconies for dwellings 1, 6 and 11 would feature a minimum 2.3m dimension, and as such each dwelling would be provided with private open space in accordance with the relevant provisions of the Development Plan.
- 7.8.3 All primary areas of private open space are directly accessible from and well integrated with living areas, with the use of 2.6m wide sliding doors maximising the functionality of outdoor spaces.
- 7.8.4 The proposal would provide 11m² of private open space featuring a 2m minimum dimension in all instances. Areas of private open space feature good orientation, commonly make use of areas with a 3m minimum dimension and are well integrated into main living areas. The balconies therefore, with the imposition of appropriate conditions, will provide appropriate levels of functionality and amenity to future occupants.

7.9 Car Parking and Bicycle Parking

- 7.9.1 Within the Urban Corridor Zone, it is anticipated that the provision of car and bicycle parking would be in accordance with Tables Pr/5 and Pr/6 of Council's Development Plan. It is also anticipated that on-site vehicle parking would not be visible from the primary street frontage, through the use of design solutions such as locating parking areas behind the front building façade and screening undercroft parking areas with landscaping and articulated screening (BPA Desired Character Statement).
- 7.9.2 Table Pr/6 outlines an anticipated demand of one bicycle park for every four dwellings, and one bicycle park for visitors for every ten dwellings. Therefore 6 bicycle parks should be provided.
- 7.9.3 With regard to the provision of car parking, 1 car parking space is desired for each 2 bedroom dwelling. An additional 0.25 spaces is desired per dwelling for visitor parking. Consequently, the anticipated car parking rate for the 15 dwellings would be 19 car parking spaces, comprised of 15 for occupants and 4 for visitor parking.
- 7.9.4 In total, 17 car parking spaces and opportunities for up to 8 bicycle parking spaces would be provided. While bicycle parking is not ideally located towards the front of the site, it is conveniently located adjacent the secondary stairwell.

7.9.5 With respect to the shortfall in parking provision on-site, the opportunity for visitor parking in the adjacent Dudley Park Railway Station car park is noted. It is anticipated that public parking, in combination with the additional supply of bicycle parking and close proximity to public transport, will adequately address the shortfall in on-site parking provision.

7.10 Landscaping

7.10.1 Landscaping should be in the form of low-lying shrubs and grass plantings, together with trees that have relatively clean trunks and high canopies to provide visual softening of the built form and reflect the scale of landscaping in the public realm (BPA Desired Character Statement).

7.10.2 The design of the building would provide landscaping limited to two feature trees and a south-facing planter box. Additionally, the relationship between these plantings and any front fencing is not presently described. Opportunities to improve the presentation of the entry points at ground level by way of more considered landscaping and fencing exist without alteration to the building itself.

7.10.3 Given this, it is recommended that the consideration of a landscaping and fencing plan be reserved for further assessment and approval by Council.

7.11 Stormwater Management

7.11.1 The provisions of Council's Development Plan suggest that site drainage should be designed to safely direct surplus flows to a public street without causing harm to adjoining properties (Council Wide PDC 97) and that all proposed developments should be designed to retain as much stormwater as possible, minimising the overflow to the kerb and water table (Council Wide PDC 98).

7.11.2 A coordinated stormwater management plan incorporating rainwater capture, re-use and overflow disposal is yet to be finalised, nor are any of its possible outcomes suggested. Given that the proposal will result in a notable increase in stormwater run-off from the subject land, it is appropriate that Council receive and assess such a plan.

7.11.3 It is therefore recommended that the consideration of the stormwater design be reserved for further assessment and approval by Council. It is anticipated that this design would not result in changes to the layout or appearance of the building.

7.12 Waste Management

7.12.1 It is anticipated that new development would enable waste management options that provide adequate storage while screening these areas from public view. The design of driveway crossovers, parking areas, accessways and elements that interact with the public realm should also safely and efficiently accommodate the collection of waste and recycling materials.

7.12.2 Additionally, new developments should provide a dedicated area for the on-site storage, collection and sorting of recyclable materials and waste that is safe and convenient (Council Wide PDC 147, 169 and 170).

7.12.3 A communal waste system would be available for the provision of waste, green waste and recycling within an appropriately located area of the car park, though neither its management methodology nor intended storage capacity is described by the proposal plans. The proposed waste storage area would be 5m² in floor area, which appears insufficient to house bins with an appropriate collective storage capacity. It is noted that additional ground floor storage capacity is

available towards the rear of the building that may be used to increase the capacity of the waste storage area.

- 7.12.4 Given this, it is recommended that the consideration of the waste management plan be reserved for further assessment and approval by Council. It is anticipated that this would not result in significant changes to the layout or appearance of the building.

7.13 Overshadowing

- 7.13.1 Generally, the design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space areas while minimising the overshadowing of windows of main internal living areas, upper-level private balconies that provide the primary open space area for a dwelling and solar collectors (Council Wide PDC 138).
- 7.13.2 The subject site, along with properties directly north, east and south of the subject site, is identified to be developed at a greater intensity than that of the existing built form.
- 7.13.3 Given that the subject site is not located adjacent a different zone, the overshadowing provisions that apply generally within the Council are less relevant to the proposed development. It is anticipated that the overshadowing impact would be consistent with that expected for new development in the Urban Corridor Zone.

7.14 Visual Privacy

- 7.14.1 It is anticipated that a variety of measures should be used to minimise direct overlooking into adjacent internal living and private open space areas. Such measures should be integrated into the overall building design and should have minimal negative effect on the amenity enjoyed by the occupants of neighbouring dwellings (Council Wide PDC 139).
- 7.14.2 It is noted that the commonly used 1.7m and 1.8m high privacy screens for windows and balconies referred to in Council Wide PDC 90 are specifically excluded for buildings that are three or more storeys in height in the Urban Corridor Zone.
- 7.14.3 Given this, the extensive screening to balconies and windows on the northern and eastern facades of the building is too substantial, and compromises the amenity that would otherwise be enjoyed by future occupants of the proposed building. It can be anticipated that future development on adjacent northern allotments would adopt a similar approach to building scale and internal layout, and would be similarly capable of screening the southern facade without impact to the internal amenity enjoyed by occupants.
- 7.14.4 To this end, it is recommended that a condition be imposed specifying the height of balcony privacy screens and window sills at 1.5m, to the northern and eastern facades of the building. It is anticipated that this extent of screening strikes an appropriate balance between the amenity of future occupants and neighbouring residents.

8. CONCLUSION

- 8.1 The proposal seeks to establish a medium to high density residential land use on the subject land. The building would be four storeys in height, which is the maximum height anticipated by Council's Development Plan for this site. The appearance of the building would be one of reasonably high quality, albeit of conservative styling.
- 8.2 The proposal would achieve the required setbacks, have adequate private open space and thermal comforts in accordance with the Development Plan provisions. The floor plans proposed would provide functional and usable living spaces, while potential privacy and noise impacts would be moderated through good design and noise attenuation techniques.
- 8.3 Vehicular access would be provided from Devonport Terrace, with appropriate car and bicycle parking areas provided. The subject land is also directly adjacent the Dudley Park Railway Station. The proposal would provide suitable security and visual privacy outcomes, with appropriate conditions imposed.
- 8.4 Stormwater, waste management and landscaping plans would be reserved for further consideration, with the proposal allowing sufficient area to ensure that the relevant management plans can achieve the relevant requirements of the Development Plan.
- 8.5 The application is therefore considered to be relatively consistent with the relevant provisions of the Prospect (City) Development Plan and warrants the granting of development plan consent, subject to the reserving of some matters for further assessment and appropriate conditions.

9. RECOMMENDATION

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/46/2015 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the *Development Act 1993*, as amended, Development Plan Consent be approved to DA 050/46/2014 from Madison Homes for a Four Storey Residential Flat Building comprising 15 Dwellings with Associated Car and Bicycle Parking and Landscaping at 157 Devonport Terrace Prospect (CT 5716/828), subject to the following reserved matters, and draft conditions and notes that may be added to or altered following satisfactory resolution of reserved matters by Council administration:

Reserved Matters:

1. A detailed design of the stormwater management system by a suitably qualified civil engineer, including appropriate provisions for rainwater capture and reuse.
2. Detail on the methods to be used for ongoing general waste management, including the appropriate storage and collection of putrescible waste, green (organic) waste and recyclable materials.
3. A fencing and landscaping plan shall be provided detailing ground cover, low-lying and tree plantings, in addition to fencing heights, materials and finishes.

4. A schedule of building materials, colours and finishes detailing the treatment of the building elements depicted in Sheet No PA 03 of 04.

Conditions:

1. The development shall take place in accordance with plans and details stamped by Council relating to Development Application Number 050/46/2015, except as modified by any conditions detailed herein. All works detailed in the approved plans and required by conditions are to be completed prior to the occupation of the approved development.
2. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving, and be properly drained. The surfacing of the driveway and drainage shall be maintained to the reasonable satisfaction of Council thereafter.
3. The drainage system shall be designed, installed and maintained at all times thereafter to ensure that water from the site does not:
 - a) Flow or discharge onto adjoining properties;
 - b) Flow across the surface of footpaths or public ways;
 - c) Affect the stability of any building; or
 - d) Create unhealthy or dangerous conditions on the site or within any building.
4. Air-conditioning units and solar hot water heaters shall be provided with screening devices designed to complement the colours, materials and finishes of the building approved herein, and shall be sited to adequately screen the units from view to the reasonable satisfaction of Council.
5. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of materials or goods including waste products and refuse.
6. Permanently fixed clotheslines shall not be permitted within 1.5m of the edge of each balcony.
7. Revised plans shall be provided to the satisfaction of Council reducing the height of north-facing aluminium slat privacy screens to a height of 1.5m above each respective finished floor level of the building. These revised plans shall also demonstrate an increase in size to north- and east-facing bedroom windows to a bottom sill height of 1.5m above each respective finished floor level of the building.
8. To maximise the efficiency of waste recycling:
 - a) Provision shall be made for the separation of recyclable materials for collection and recycling, including paper, cardboard, glass and plastic containers, tins, and any other plastic that 'holds its shape';
 - b) Separate provision shall be made for the collection of food waste (food organics) and food-contaminated cardboard, paper or paper products, which are to be collected for composting; and
 - c) Paper attached to plastic, wax paper or chemically-treated/gloss cardboard will not be included with the materials collected for composting.
9. Service vehicle movements shall occur outside of the peak periods associated with the use approved herein and in any event shall not occur before 6am or after 9pm on any day.
10. The building must be maintained, kept tidy, free of graffiti and in good repair and condition at all times.

11. All car parking spaces must be line-marked in accordance with the approved plans and to comply with the Australian/New Zealand Standard for Parking Facilities (Part 1: Off-street Car Parking (AS/NZS 2890.1:2004) prior to occupation.
12. The surfacing of the car park, line marking and directional arrows shall be maintained to the reasonable satisfaction of Council at all times.
13. Driveways, parking and manoeuvring areas shall be lit in accordance with the Australian Standard for Lighting for Roads and Public Spaces (AS1158.1 and AS1158.3) during the hours of darkness that they are in use and accessible by the general public.
14. During construction of the development approved herein, measures will be implemented to ensure that the construction works do not result in an unreasonable impact on occupiers of adjacent properties or pollution of existing infrastructure through drag-out or stormwater runoff. Measures shall include as necessary:
 - a) A hard surface and controlled washing zone at the entry/exit points to the site, designed to reduce the potential for mud and material dragged out by construction vehicles; and
 - b) Containment of stormwater run-off within the site, which if being discharged into the stormwater system will be filtered to the satisfaction of Council; and
 - c) Reduction of the potential for dust and other airborne particles by the use of water sprinklers and/or other means of containment; and
 - d) The establishment of an appropriate storage compound for waste materials and litter. No building waste material shall be stored outside of the storage compound or similar industrial bin; and
 - e) All mechanical equipment shall be used in a manner to minimise the potential for noise pollution and ensure compliance with the requirements of the Environment Protection (Noise) Policy.
15. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths traversed by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works.

No obstruction of the footpath or roadway may occur without the prior permission of Council. For further advice, please contact Council's Infrastructure and Environment Department on 8269 5355.

16. To ensure compliance with applicable standards as described in the Environment Protection (Noise) Policy established under the Environment Protection Act, construction activities shall only take place between the hours of 7:00am and 7:00pm, Monday to Saturday inclusive, and not on Sundays or public holidays.

Advisory Notes:

- (1) Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

- (2) The development plan consent granted herein is effective for a period of twelve (12) months from the date of the decision. Unless Council extends this period, building rules consent is required within this time or the consent will lapse.

Any request for an extension of the operative period of the consent must be submitted to Council in writing, accompanied by the applicable fee.

- (3) Further application pursuant to the Local Government Act shall be made to the Infrastructure Assets and Environment Department for the proposed crossover prior to construction activities occurring.

Road/Kerbing/Footpath Works will need to be inspected by an Assets and Infrastructure Officer to determine they have met all relevant requirements. All work including line marking will be the responsibility of the applicant as will the reinstatement of any damaged Infrastructure / Services related to these works. All works will be carried out at the cost to the applicant.

- (4) Prior to the commencement of construction of the development herein approved, it is strongly recommended that you employ the services of a licensed Land Surveyor to carry out an identification survey of the subject land and to peg the true boundaries, to ensure that building work will be either on the true boundaries or the specified distance from the true boundaries of the subject land, as the case may be.

Failure to correctly site the development on the land in accordance with the plans approved herein would constitute a breach of the *Development Act 1993*. Any amendments required to the approved plans as a result of the survey are to be submitted to Council for approval prior to works commencing.

- (5) You are encouraged to consult with adjoining property owners before commencing any work, to assist in minimising nuisance or inconvenience caused during construction.

- (6) You are required to give formal notification to, and consult with, the adjoining property owner if you are removing, replacing or altering an existing fence or building a freestanding wall along the common boundary that would, for all purposes, be a dividing fence (Section 5 of the *Fences Act 1975*).

- (7) If you (the building owner) are undertaking building work that affects the stability of other land or premises, namely:

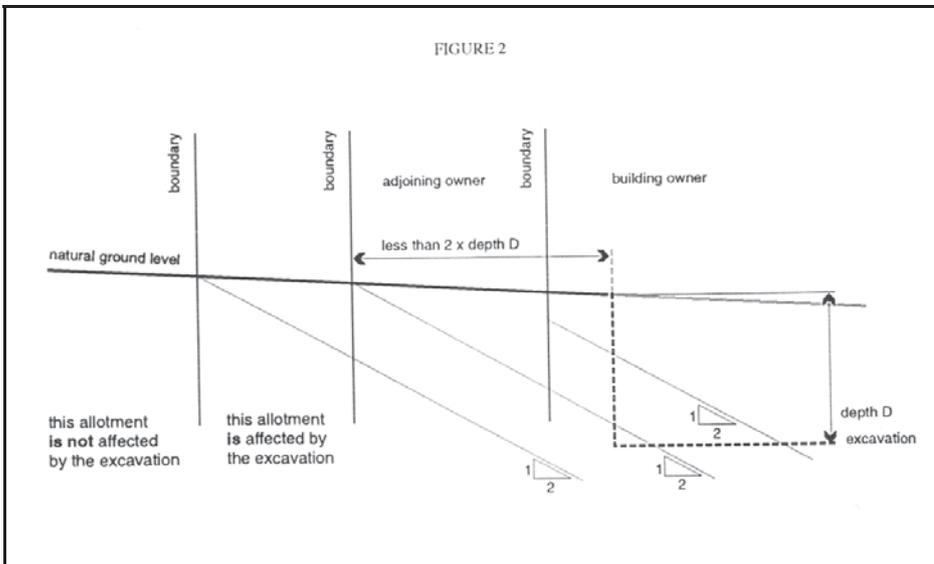
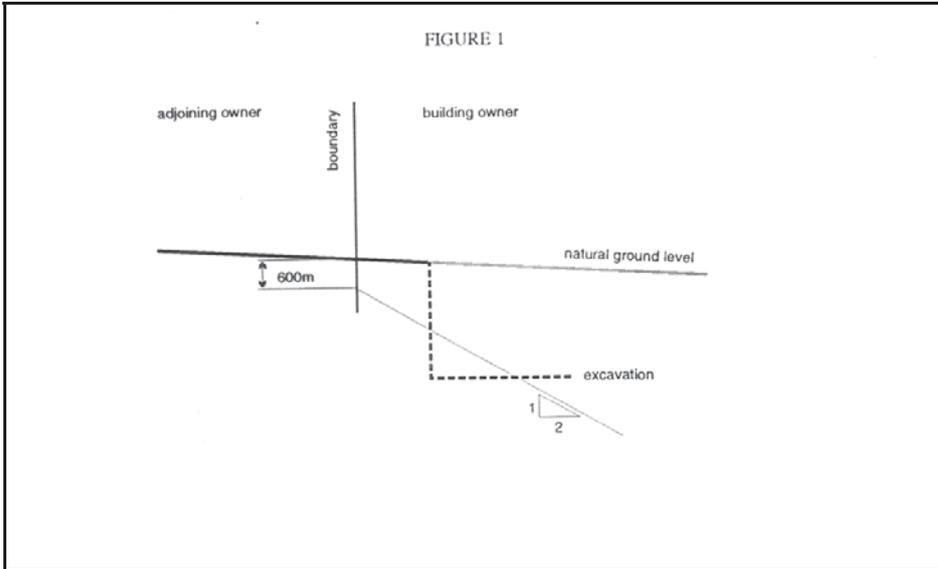
- an excavation which intersects a notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point 600mm below natural ground level at a boundary with an adjoining site (as depicted in figure 1); or
- an excavation which intersects any notional plane extending downwards at a slope of 1 vertical to 2 horizontal from a point at natural ground level at any boundary between 2 sites (not being a boundary with the site of the excavation), where the boundary is within a distance equal to twice the depth of the excavation (as depicted in figure 2); or
- any fill which is within 600mm of an adjoining site, other than where the fill is not greater than 200 millimetres in depth (or height) and is for landscaping, gardening or other similar purposes;

Then you (the building owner) must, at least 28 days before the building work is commenced:

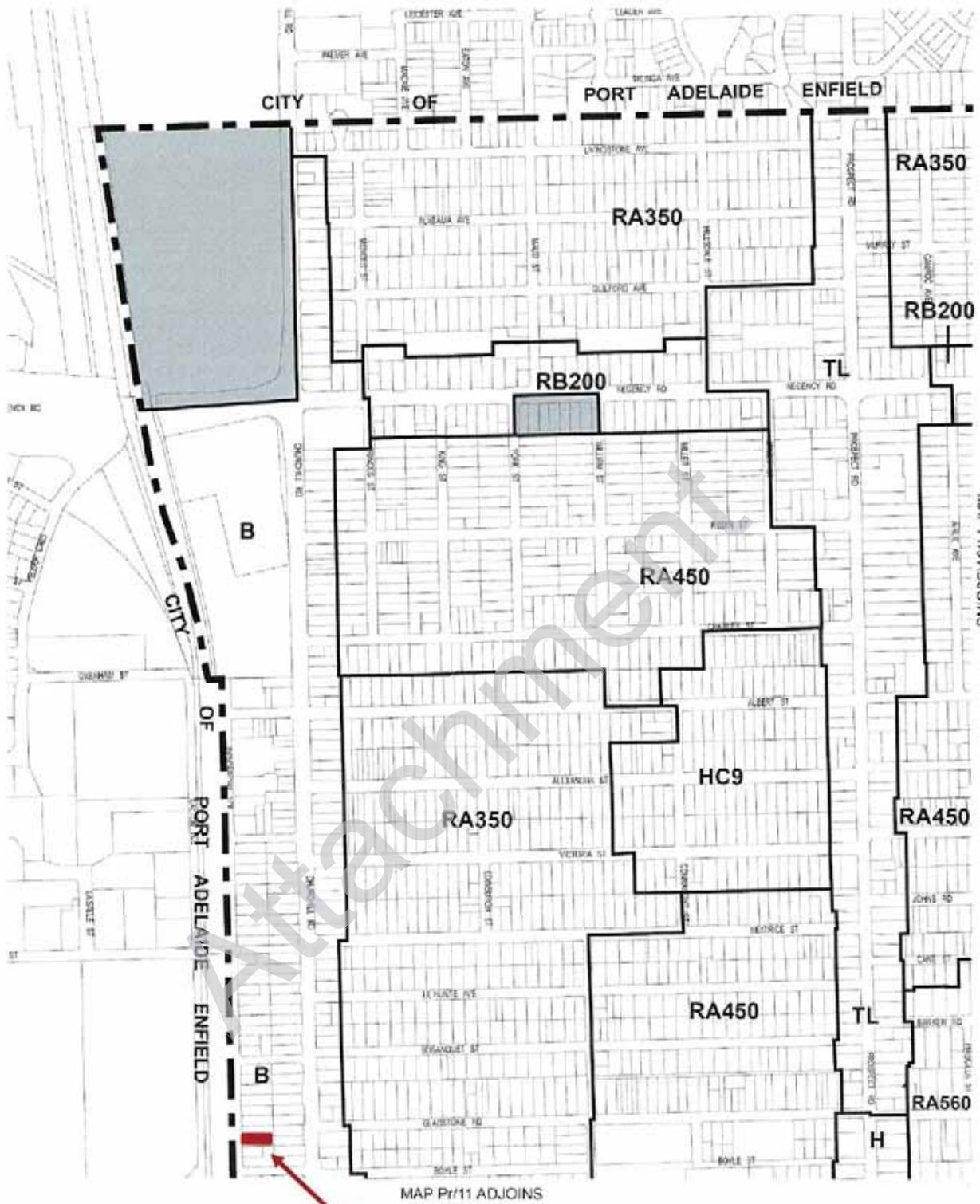
- a) serve on the owner of the affected land or premises a notice of intention to perform the building work and describing the nature of that work; and
- b) you must take such precautions as may be prescribed to protect the affected land or premises and must, at the request of the owner of the affected land or premises, carry out such other building work in relation to that land or premises as that adjoining owner is authorised by the regulations to require.

If you fail to comply with these notification requirements, then you are guilty of an offence with a maximum penalty of \$10 000.

You may apply to the Court for a determination of what proportion (if any) of the expense incurred by you in the performance of the building work requested by the owner of affected land or premises (under subsection (b) above) should be borne by the owner of that land or premises, and you may recover an amount determined by the Court from the owner of the affected land or premises as a debt.



Scott McLuskey
Senior Development Officer Planning



- RA560 Residential Policy Area A650
- RA450 Residential Policy Area A450
- RA350 Residential Policy Area A350
- RB200 Residential Policy Area B200
- TL Transit Living Policy Area
- B Boulevard Policy Area
- H High Street Policy Area
- HC9 Historic Conservation Area 9 Policy Area

- Policy Area Boundary
- Development Plan Boundary
- Area not covered by Policy

Subject Land

Scale 1:8000



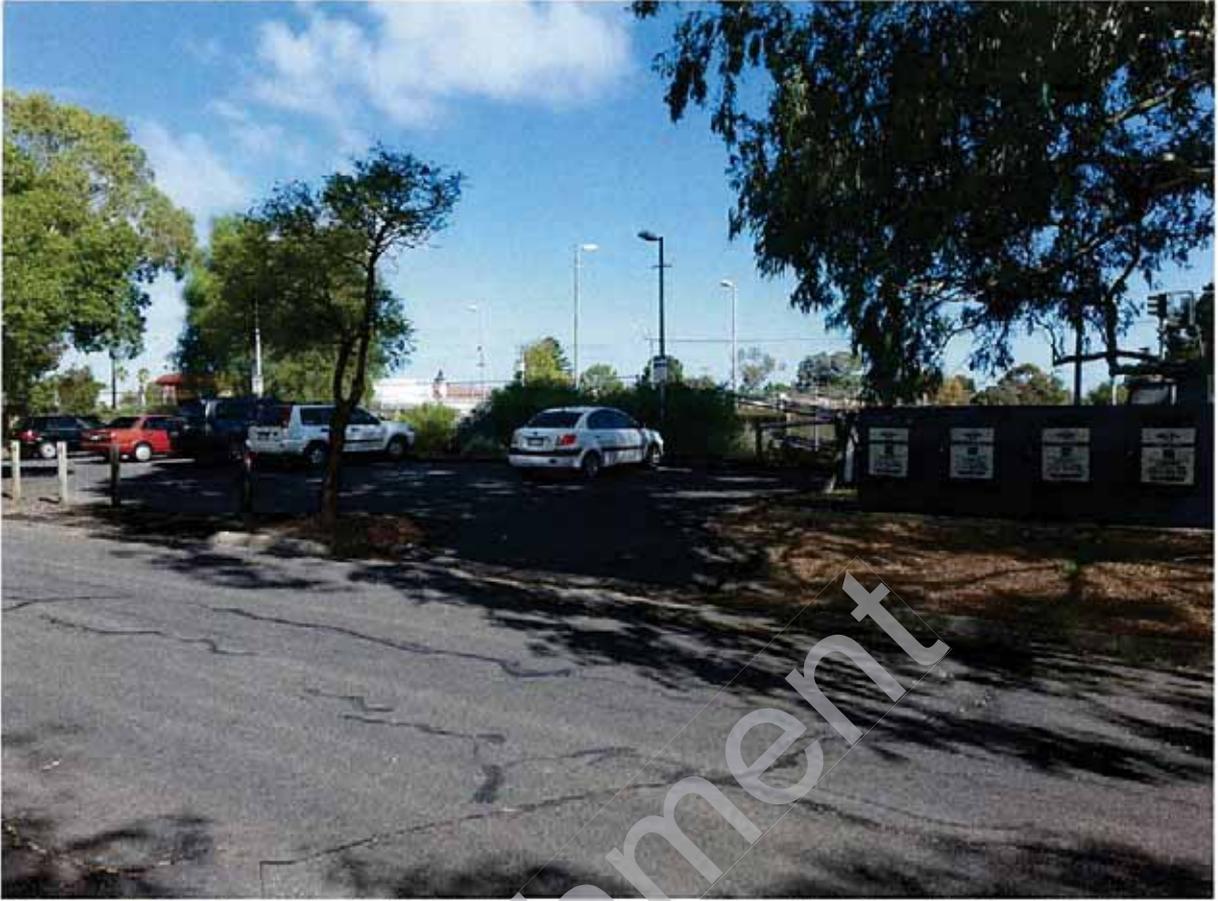
**PROSPECT COUNCIL
POLICY AREAS
MAP Pr/8**



Consolidated - 12 February 2014



Photographs showing dwellings adjacent to the subject site, to the north and south respectively



Photograph showing Dudley Park railway station, opposite the subject site, with bicycle lockers and car park in the foreground

Attachment



Civic Centre
 128 Prospect Road
 Prospect SA 5082 AUSTRALIA
 Telephone: 08 8269 5355
 Email: admin@prospect.sa.gov.au

Subject Site



Notes

Disclaimer

This map is a representation of the information currently held by the City of Prospect. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.



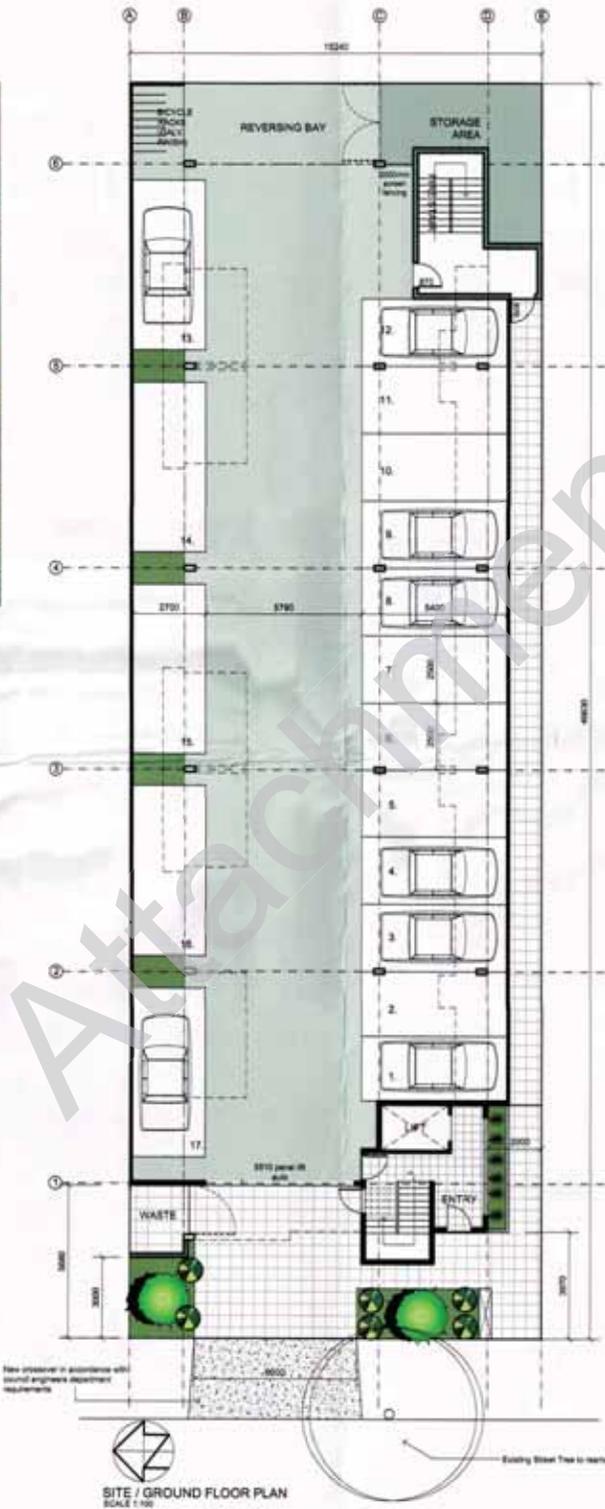
Photograph of subject site showing existing dwelling and fencing

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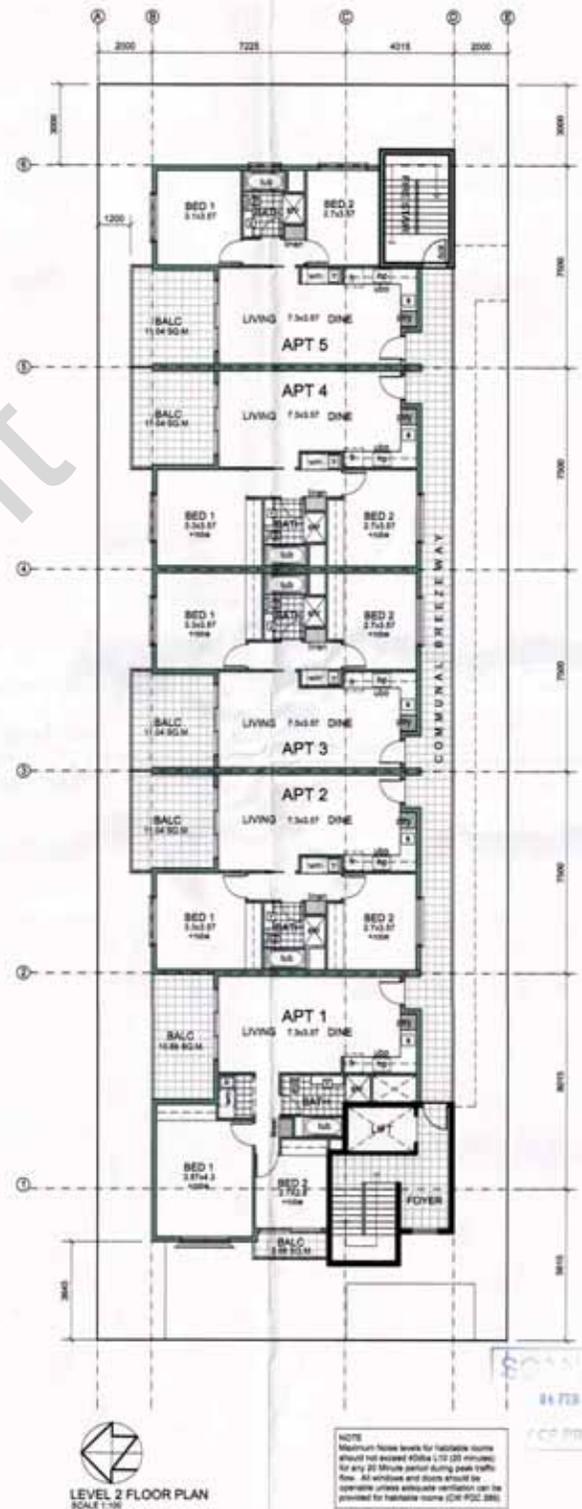


LOCALITY PLAN
SCALE 1:500

AREAS	
GROUND FLOOR	
CARPARK	498.76 m ²
REAR STAIR	19.81 m ²
LIFT LOBBY+ STAIR	24.21 m ²
STORE	22.28 m ²
GROUND FLOOR TOTAL	564.96 m²
LEVEL 2	
STAIR + WALKWAY	52.97 m ²
LIFT LOBBY + STAIR	24.91 m ²
UNIT 1	70.88 m ²
UNIT 1 BALC	13.35 m ²
UNIT 2	86.70 m ²
UNIT 2 BALC	11.04 m ²
UNIT 3	86.57 m ²
UNIT 3 BALC	11.04 m ²
UNIT 4	86.57 m ²
UNIT 4 BALC	11.04 m ²
UNIT 5	80.94 m ²
UNIT 5 BALC	11.04 m ²
LEVEL 2 TOTAL	487.05 m²
LEVEL 3	
STAIR + WALKWAY	52.97 m ²
LIFT LOBBY + STAIR	24.91 m ²
UNIT 6	70.88 m ²
UNIT 6 BALC	13.35 m ²
UNIT 7	86.70 m ²
UNIT 7 BALC	11.04 m ²
UNIT 8	86.57 m ²
UNIT 8 BALC	11.04 m ²
UNIT 9	86.57 m ²
UNIT 9 BALC	11.04 m ²
UNIT 10	80.94 m ²
UNIT 10 BALC	11.04 m ²
LEVEL 3 TOTAL	487.05 m²
TOTAL	1998.21 m²



SITE / GROUND FLOOR PLAN
SCALE 1:100



LEVEL 2 FLOOR PLAN
SCALE 1:100

NOTE
Maximum noise levels for habitable rooms should not exceed 40dB(A) L₁₀ (20 minutes) for any 20 minute period during peak traffic flow. All windows and doors should be operated unless adequate ventilation can be provided for habitable rooms (ENF-PGC 200)

NO.	DATE	REVISION	BY



PROJECT: AT 107 DEWPOINT TERRACE PROJECT
 DRAWING NO: 21/01/18
 DATE: 11/2018
 SCALE: As Shown
 PROJECT NO: 11/2018
 DRAWING NO: 21/01/18

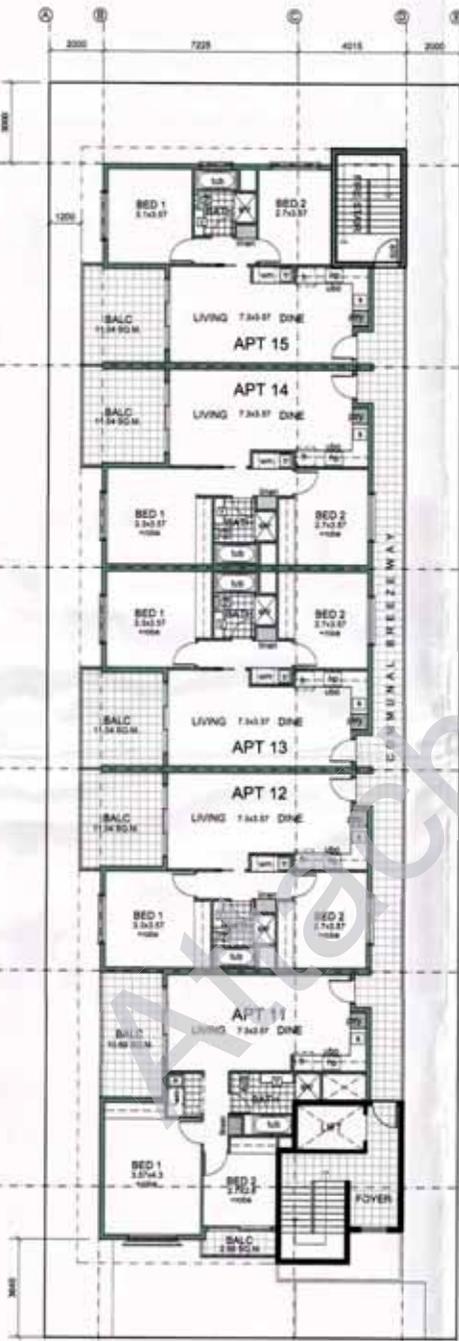
FOR PLANNING APPROVAL

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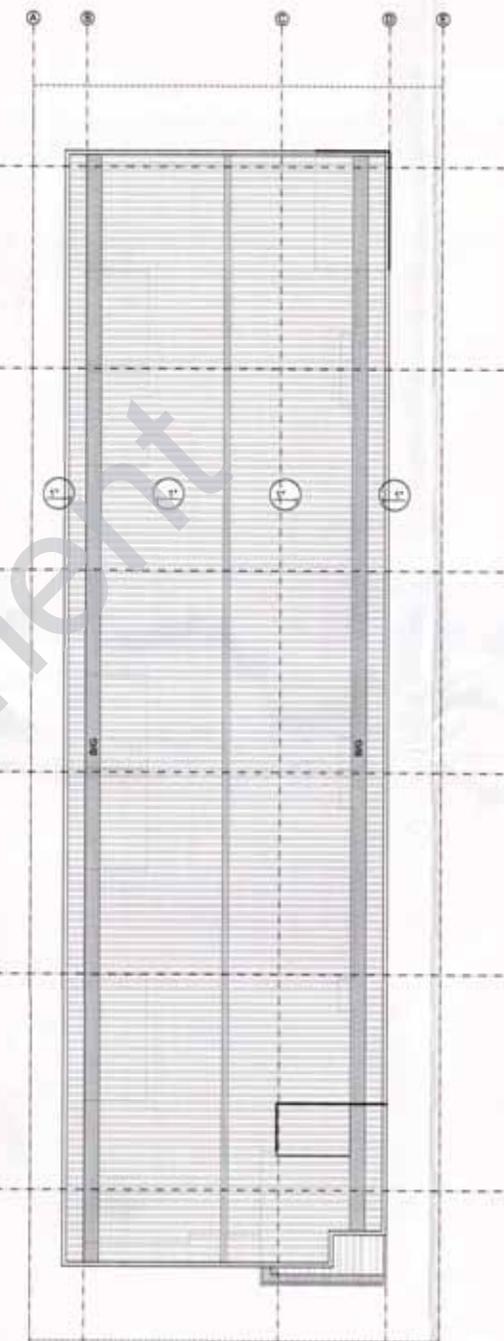
LEVEL 3 FLOOR PLAN
SCALE 1:100

NOTE
Maximum noise levels for habitable rooms should not exceed 45db(A) L10 (2) minutes for any 20 minute period during peak traffic flow. All windows and doors should be operable unless adequate ventilation can be provided for habitable rooms (CIR POC 285)



LEVEL 4 FLOOR PLAN
SCALE 1:100

NOTE
Maximum noise levels for habitable rooms should not exceed 45db(A) L10 (2) minutes for any 20 minute period during peak traffic flow. All windows and doors should be operable unless adequate ventilation can be provided for habitable rooms (CIR POC 285)



ROOF PLAN
SCALE 1:100

NOTES
PROVIDE FLASHINGS, SEAL AND ADEQUATELY FLASH ALL PENETRATIONS, JUNCTIONS AND JOINTS. INSTALL ROOF DECK, FLASHINGS AND FITTINGS IN ACCORDANCE WITH THE MANUFACTURERS INSTRUCTIONS AND DETAILS TO ENSURE A NEAT WEATHER TIGHT ROOF.
ZINCALUME PARAPET CAPPING TO THE TOP OF ALL PARAPET WALLS.
ALL EXTERNAL EXPOSED FLASHINGS TO HAVE A ZINCALUME FINISH.
CO-ORDINATE INSTALLATION OF ROOF CLADDING WITH ALL SERVICES TO ALLOW FOR ANY PENETRATIONS.
EXTRA BRACING FOR SOLAR HOT WATER PANELS

LEGEND
B/G 40MM x 75 DEEP ZINCALUME BOX GUTTER, WITH 1:200 GRADED FALL. ARROWS INDICATE DIRECTION OF FALL.
1" ZINCALUME RUF-LD ROOF SHEETING AT 1° ROOF PITCH. ARROW INDICATES DIRECTION OF FALL.

FOR PLANNING APPROVAL

REVISIONS	DATE	BY	DESCRIPTION	BY

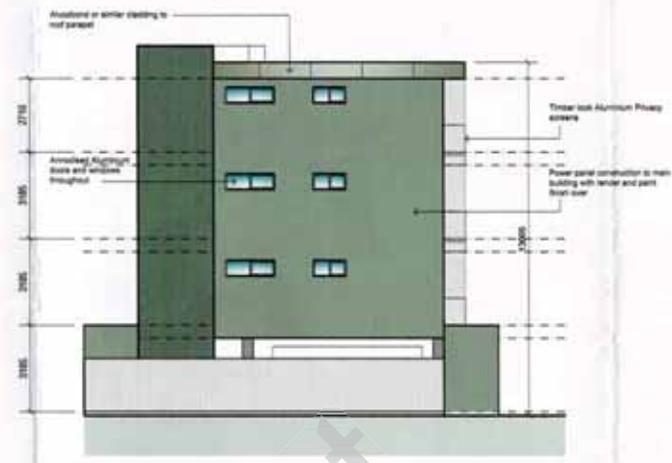


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BY: [Signature]
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SCALE: 1:100
PROJECT: 10/10/15
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DATE: 21/01/16
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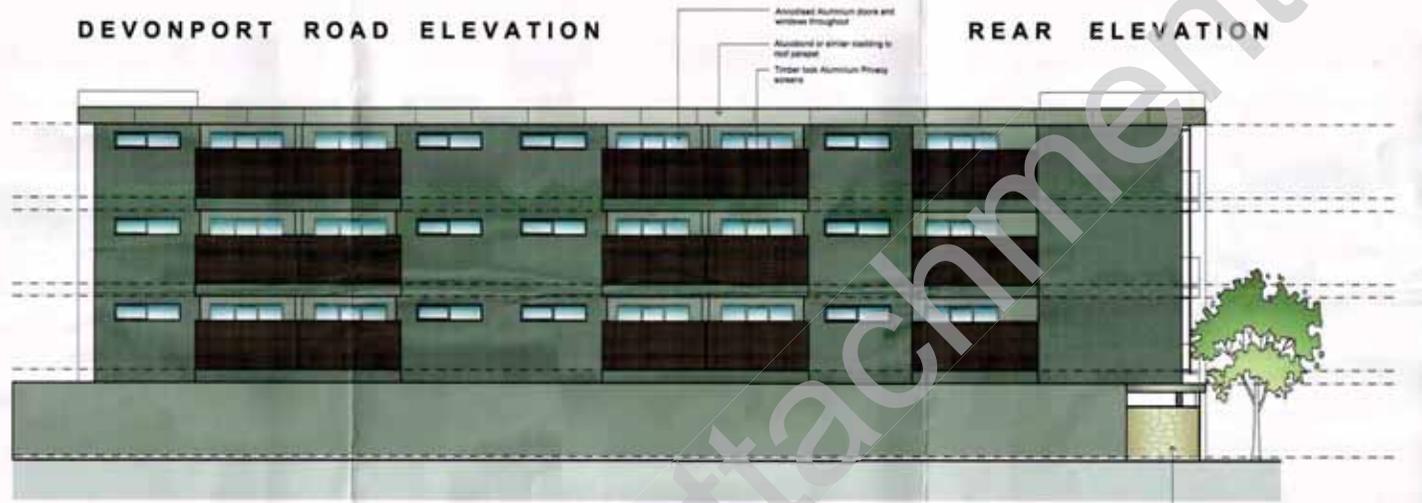
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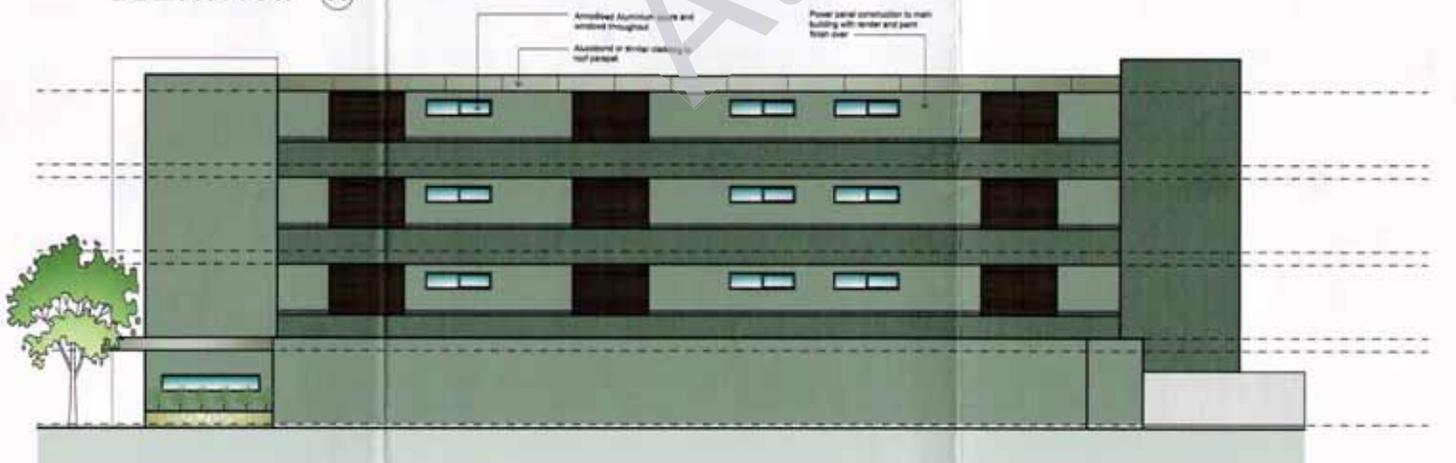
DEVONPORT ROAD ELEVATION



REAR ELEVATION



ELEVATION A



ELEVATION B

Attachment

FOR PLANNING APPROVAL

REVISIONS

NO	DATE	DESCRIPTION	BY



PROJECT: 17 DEVONPORT TERRACE, HOBART
 DRAWN: [Name]
 DATE: 20/11/18
 SCALE: 1:500
 11/2018 04/10/2018

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LHS VIEWS



RHS VIEWS



Attachment

FOR PLANNING APPROVAL

REVISIONS

DATE	NO.	DESCRIPTION	BY



PROPOSED RESIDENTIAL DEVELOPMENT AT 147 BELMONT TERRACE, WINDSOR

DATE: 11/20/19
 DRAWN BY: P.M. OF 04
 CHECKED BY: P.M. OF 04
 SCALE: 1/8" = 1'-0"

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LUMENSTUDIO**Julian Rutt**

B.Arch (hons), AIA

jrutt@adam.com.au

0422 305 099

28 March 2015

By email: scott.mcluskey@prospect.sa.gov.au

City of Prospect

Development Services

128 Prospect Road

Prospect SA 5082

Attention: Scott McCluskey**PRIVATE AND CONFIDENTIAL**

Dear Scott

DESIGN REVIEW: 157 DEVONPORT TERRACE, PROSPECT

Regarding the information provided on Spectra Building Design drawings PA 01 – 04 for the proposed apartment building at 157 Devonport Terrace, Prospect, and in the framework of providing design review advice, I offer the following comments;

At four storeys (three levels of apartments with ground level car park) the proposal meets the desire to increase density along major thoroughfares though is significantly at odds with local precedent and may not meet all set back guidelines, particularly to the rear (west) end of the building/site. The building's scale is partly broken down but there is room for improvement. Impacts on neighbouring properties particularly the immediate dwelling to the south would be significantly detrimental and at likely not meeting minimum day lighting access provisions.

The building makes some use of orientation with access to northern light though limited by shading devices and depth of balconies or inadequately in the case of bedrooms, however there is likely a good ability to use cross breezes.

Landscaping has been given next to no consideration around the entry area and passive surveillance to the street is partial. Aesthetically, the building form appears mostly to be a result of function and planning requirements and does not have a cohesive language or design strength throughout.

In my opinion, this proposal has numerous design issues that require further review and ideally a higher level of resolution, particularly the overall aesthetics and specific impacts to some adjoining properties.

Yours sincerely

**Julian Rutt**

Architect, AIA

26 April 2015

157 DEVONPORT TERRACE, PROSPECT

Context

Good design responds to and contributes to its context. Context can be defined as the key natural and built features of an area.

Little detail provided on context and use of adjoining properties though appears to show existence of predominantly single storey detached residential buildings along Devonport Terrace. Railway lines run parallel between Devonport and Exeter Terraces with a cemetery directly opposite along Exeter Terrace with residential continuing south of Simpson Street. The proposal is significantly at odds with local precedent, noting however the desired future character and increased density of the 'Urban Corridor' proposed along Devonport Terrace.

Scale

Good design provides an appropriate scale in terms of the building height relative to the width of the street and height of the surrounding buildings.

The proposed development does not appear to respond to the existing surrounding buildings, though largely fulfills the suggested ideal side boundary set backs but possibly not the rear 45 degree angle stepping back.

Built form

Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

The built form largely appears to be driven by simplistic responses to functional requirements, circulation and privacy provisions with some effort to break up massing to the street (west) facade through change of materials and modulation of planes/forms suggested though missing detail in what many of the proposed finishes/materials are and lacking overall design coherence. Consequently, the small, high-level windows to the bedrooms may provide a lower level of internal amenity with no views. The rear (east) facade has a low opening-solid ratio with problematically large areas of unbroken wall.

Density

Good design has a density appropriate for a site and its context, in terms of dwelling yields (or number of units or residents).

The proposed increase in density is largely within spirit of the new urban corridor provisions with a maximized increase in number of storeys, though as previously noted is at odds with existing context with seemingly no immediate local precedent of the new desired scale of development, yet.

Resource, Energy & Water efficiency

Good design makes efficient use of natural resources, energy and waste throughout its full life cycle, including construction.

No information provided regarding materials, structure, energy use or generation, water harvest or reuse, waste or similar. Site orientation generally allows some solar access to northern sun and daylight for living spaces in apartments though limited by deep overhang, partially to bedroom 1 due to lack of shading to windows and small opening size. Possibilities to take advantage of cross ventilation are good due to openings on opposite sides of units

Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Very little area given to landscaping, limited to a small buffer at the street around the entrance, and strip adjacent entry will be effectively permanently shaded from direct sunlight all year. No details on plantings, design specifics or hierarchy. No mention on paving surface, eg bitumen vs water permeable pavers. Size and bulk likely to have significant and possibly unacceptable impacts to neighbouring dwellings, particularly to the south- unlikely to allow the minimum 2 hours sunlight on Jun 21st solstice to habitable spaces of this dwelling to the immediate south.

Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Overlooking & privacy has been addressed well with screening, but comes at expense of internal amenity and appearance of building as a whole; will heavily shade the outdoor spaces to the units or in the case of bedrooms, allow less light and views into spaces due to opening sizes and format. No provision of external storage units noted. Car parking allocation slightly below required provisions of 18.75 per 15 apartments and park no.s 1 & 12 do not comply with the 'blind aisle' requirements of Australian Standards AS2890.1 Off Street Parking and waste/bin store area shown is likely to be undersized for this number of units.

Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

Some possibility of local passive surveillance to street, though contribution from Bedroom 1 of apartments 1, 6 & 11 compromised due to use of large timber screen in front of windows. Design of area around entry may need review to minimise possible hiding places or unauthorised access to walkway along southern boundary.

Social Dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to the social facilities.

Some minor variations in apartments due to outlook or proximity to vertical egress routes (stairs and lift) though units comply with stated aims of providing deviations from 'standard' housing types of larger detached dwellings.

Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development.

Appears to have limited consideration given to aesthetics - external appearance seems largely driven by site maximisation, internal planning and privacy requirements, little detail provided on materials and 3d renderings limited to variations on view from street.

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AGENDA ITEM: 5.7

To: Development Assessment Panel (DAP) on 11 May 2015

From: Susan Giles, Development Officer, Planning

Proposal: Removal of a Significant Tree – *Corymbia citriodora* (Lemon Scented Gum) (DA 050/80/2015)

Address: 185 Main North Road, Nailsworth (CT 5571/50)

SUMMARY:

Applicant: Mr Mohan Nathan

Planning Authority: Council

Referrals (Schedule 8): Nil

Public Notification: Category 1

Representations: Not applicable

Respondent: Not applicable

Development Plan Version: Consolidated 12th February 2015

Zone and Policy Area: Urban Corridor Zone, Business Policy Area

Issues: Causing or threatening to cause substantial damage to public and private safety

Recommendation: Refusal

1. EXECUTIVE SUMMARY

- 1.1 The proposal is for the removal of a significant tree that is located within an existing car yard. An arborist engaged by the applicant identifies that the ongoing retention of the tree would present a low to moderate risk to safety and property. The tenant of the adjoining property identifies that the tree has previously caused damage to vehicles and buildings.
- 1.2 Council's consulting arborist identifies that the tree could be retained and risk minimised through pruning work and ongoing management of the tree. The provisions of the Development Plan seek the retention of significant trees, except where it has been demonstrated that all alternative options have been exhausted.

2. LOCALITY AND SUBJECT LAND

2.1 Locality

- 2.1.1 The locality is dominated by Main North Road where there is a mix of commercial and light industry land uses such as mechanical workshops, petrol filling station,

car wash, car yards, warehouses, restaurants, takeaway shops, and the Thomas Street Centre. Residential dwellings are located to the east of the subject site.

- 2.1.2 The broader locality, indicating the location of the subject land within the relevant Zone and Policy Area as described in Council's Development Plan, is described in **Attachment 1**.

2.2 Subject Land

2.2.1 The subject land is located on the eastern side of Main North Road, 16m south of the Jones Street intersection. The land comprises one allotment with a total area of approximately 1781m², a frontage of approximately 32m to Main North Road and a depth of 55.6m. The subject tree is located near the north-west corner of the subject land, approximately 13m from Main North Road. The tree's canopy extends over a portion of 187 Main North Road.

2.2.2 A car yard currently operates from the subject site, with the office building and a shed located to the east of the site, with the western portion of the site used to display vehicles. There are no other trees on the subject land.

2.2.3 The subject land is illustrated on **Attachment 2**.

3. **PROPOSAL**

3.1 The proposal is for the removal of a significant tree, a *Corymbia citriodora* (Lemon Scented Gum). The tree is said to be causing numerous issues with broken branches falling onto the adjacent building roof and property, the car yard and cars, and the gutters of the neighbouring building is constantly full of leaf litter which blocks the downpipes.

3.2 The tree is not listed in Table Pr/4 of the Prospect (City) Development Plan. The tree is approximately 3.17 metres in circumference when measured at 1 metre above the natural ground level. Accordingly, the tree is defined as a significant tree as per the *Development Act 1993*.

3.3 The proposal has been submitted by Mr Mohan Nathan, from First National Real Estate on behalf of the property owner. The applicant has provided an arboricultural report prepared by Mr Dean Nicolle from Calypra Pty Ltd (refer **Attachments 3-15**) and a letter from the tenant on the adjoining land at 187 Main North Road, in support of the removal (refer **Attachment 16**).

4. **REFERRALS**

4.1 Internal (Advisory) Referrals

3.1.1 Upon receipt of the development application, Council staff sought an additional arboriculture report to confirm the health, life expectancy and risks associated with the tree, along with any possible remedial options that may be available. This report, prepared by Mr Sam Cassar of Symatree Pty Ltd is attached (refer **Attachments 17-31**).

3.1.2 The reports prepared by Mr Nicolle and Mr Cassar are discussed in further detail during the planning assessment of this report.

4.2 External (Legislated) Referrals

4.2.1 No external referral was required.

5. PUBLIC NOTIFICATION

5.1 The application is a Category 1 form of development pursuant to Section 38 of the *Development Act 1993* and Schedule 9 of the *Development Regulations 2008* as it involves a tree-damaging activity on private land. No public notification was undertaken.

6. PLANNING COMMENTARY

6.1 The proposal constitutes a tree-damaging activity and therefore a development application is required. The proposal is neither a complying nor a non-complying development with reference to Principle of Development Control 21 of the Urban Corridor Zone and is therefore to be considered on its merits against the relevant provisions of Council's Development Plan.

6.2 Pursuant to Section 35(2) of the *Development Act 1993*, a development that is assessed by the Council as being seriously at variance with the Development Plan must not be granted consent. To this end, the Panel must determine whether the proposal is seriously at variance with the Development Plan prior to making a decision on the application.

6.3 Should the removal of the subject tree be supported, then the following requirements under Section 42 of the *Development Act 1993* relevant to significant trees must be complied with:

- For every significant tree that is removed, 3 trees must be planted and maintained thereafter.
- The replacement trees cannot be within 10 metres of an existing dwelling or swimming pool.
- The replacement trees must not be an exempt species.
- If replacement trees are not able to be provided, then a payment of \$82 per tree must be paid to the Planning and Development Fund.

7. PLANNING ASSESSMENT

7.1 Aesthetic and Environmental Benefits

7.1.1 The provisions of Council's Development Plan anticipate the preservation of significant trees which provide important aesthetic and environmental benefits. It is further anticipated that future development will preserve the attributes of significant trees, especially when the significant tree meets the following criteria (Council-wide PDC 346):

- a) it makes an important contribution to the character or amenity of the local area; or
- b) it is indigenous to the local area and its species is listed under the National Parks and Wildlife Act as a rare or endangered native species; or
- c) it represents an important habitat for native fauna; or
- d) it is part of a wildlife corridor or a remnant area of native vegetation; or

- e) it is important to the maintenance of biodiversity in the local environment; or
- f) it forms a notable visual element to the landscape of the local area.

- 7.1.2 The tree is located in the north-west corner of the site, close to Main North Road. It is approximately 18m in height and has a canopy width of 17-20m. Together with its location, height and crown, the tree is a prominent feature on the subject land and along Main North Road. As a result, Mr Nicolle and Mr Cassar both agree that the tree makes an important contribution to the character and amenity of the locality.
- 7.1.3 Both Mr Nicolle and Mr Cassar have advised that the tree is not indigenous to the local area, nor listed under the National Parks and Wildlife Act as a rare or endangered native species.
- 7.1.4 The tree is not considered to be an important habitat for native fauna, with no nesting sites or hollows identified. Additionally, there is no evidence that the tree is part of a wildlife corridor or part of an area of remnant native vegetation.
- 7.1.5 Mr Nicolle notes that the tree is an exotic species and therefore not important to the maintenance of biodiversity in the local environment. Mr Cassar agrees, advising that the tree is not a local indigenous native species, but comments that the tree does indirectly represent part of the maintenance of biodiversity in the local environment given its age and size.
- 7.1.6 While Main North Road is lined with street trees, the overall size of the subject tree results in the tree having a strong visual presence. Mr Nicolle and Mr Cassar agree that the tree forms a notable visual element to the landscape and can be viewed from several locations within the locality. Mr Cassar has commented that it is clearly visible for some distance when travelling along Main North Road and it would be one of the largest trees located on Main North Road.
- 7.1.7 It is a large mature tree and Council's planning staff concur with Mr Nicolle and Mr Cassar's opinion that the tree is a highly visible element within the landscape. It is therefore desirable that the significant tree be preserved and tree-damaging activity avoided if possible (Council-wide Objective 41).

7.2 Level of Risk

- 7.2.1 The removal of a significant tree is supported by the Development Plan however, (Council-wide PDC 349) on the proviso that:
- a) The tree is diseased and its life expectancy is short; or
 - b) The tree represents an unacceptable risk to public or private safety; or
 - c) The tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area; or
 - d) The tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value; and
 - e) All other reasonable remedial treatments and measures have been determined to be ineffective.
- 7.2.2 With regard to Council-wide PDC 349, both Mr Nicolle and Mr Cassar advise:
- a) The tree is free from notable pests and diseases and it is in good stable health. The tree has some minor dead wood at various points throughout the crown and while there is evidence of some yellowing of foliage, both

arborists note that the tree is expected to have a long useful life given the existing environmental and site conditions.

- b) In its current form, the tree has been determined by both Mr Nicolle and Mr Cassar to present a low to medium risk to public or private safety. Mr Nicolle suggests that the tree is currently an acceptable but increasing risk to personal safety. Mr Cassar is of the view that with on-going management and maintenance of the tree, the tree will continue to maintain a low risk to the public or private safety.
- c) The tree is not within 20 metres of a residential, tourist accommodation or habitable building and is not in a Bushfire Prone Area.
- d) The tree is located approximately 5m to the building on the adjacent site at 187 Main North Road. During his inspection Mr Cassar found no evidence that illustrates the tree is causing or threatening to cause substantial damage to a building or structure of value. Mr Nicolle however, is of the opinion that the tree is likely to occasionally cause damage by way of branch failure, to any vehicle parked under or near the tree. Mr Nicolle also notes that the leaves and debris that fall from the tree are causing stormwater drainage issues for the building at 187 Main North Road. This claim is supported by correspondence from the neighbour.

Mr Cassar noted that there are branches in the lower to mid crown that are horizontal and descending in orientation with excessive end weight distribution. These branches could have contributed to the previous branch failure. Mr Cassar notes that this is repeated elsewhere throughout the crown, however suggests that maintenance pruning, guided by a qualified arborist, could be undertaken to maintain and reduce the risk of any future branch failures (refer **Attachment 25**).

- e) Both Mr Nicolle and Mr Cassar have suggested that there are remedial treatments and measures that could be undertaken to reduce or eliminate damage to any vehicle displayed under or near the tree. The suggestions included the installation of shade-sails, or similar structures, to protect any vehicle located beneath the canopy; or locate vehicles outside of the central crown. Mr Cassar also recommends maintenance pruning could be undertaken. It is noted that the tree does have some defective branches that if left unmanaged are likely to fail in the future. However, given the tree has a good structure, Mr Cassar advises that pruning options are available to address these defects and maintain the risk at acceptable levels. He further suggests that pruning be undertaken to encourage and maintain the tree's natural habit (refer **Attachment 24**).

7.2.3 It is noted that the applicant's arborist identified options that would address the level of risk, but did not identify if these have been demonstrated to be unreasonable or ineffective.

7.2.4 Both arborists have advised that the tree is healthy and has a long life expectancy. The tree does not demonstrate an unacceptable risk to public or private safety and while it is possible that damage could be caused to a vehicle stored underneath the canopy, the applicant has not demonstrated that all reasonable remedial treatments and measures have been determined ineffective.

8. CONCLUSION

- 8.1 Council-Wide Principle of Development Control 346 of Council's Development Plan suggests that it is desirable for a significant tree to be retained if it makes an important contribution to the character or amenity of the area. The *Corymbia citriodora* (Lemon Scented Gum) is considered to form a notable visual element to the landscape of the local area and as such, makes an important contribution to the amenity of the locality due to its size and visibility.
- 8.2 The tree is in good health and has good structure with no significant structural defects that indicate it poses an immediate unacceptable risk. The tree is expected to offer a long useful life expectancy. It is acknowledged that the level of risk to private and personal safety is likely to increase over time if the branches become heavier and more end-weighted. However, these defects can be addressed via pruning and ongoing tree management.
- 8.3 It has not been demonstrated that the tree warrants removal due to being diseased, having a limited life expectancy, representing an unacceptable risk to public or private safety or causing or threatening to cause substantial damage to a substantial building or structure of value.
- 8.4 The application is therefore considered to be inconsistent with the relevant provisions of the Prospect (City) Development Plan and warrants the refusal of development plan consent.

9. RECOMMENDATION

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the locality within which the land is situated, the Panel resolves that development application 050/80/2015 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the *Development Act 1993*, as amended, Development Plan Consent be refused to DA 050/80/2015 for Removal of Significant Tree *Corymbia citriodora* (Lemon Scented Gum) at 185 Main North Road, Nailsworth (CT 5571/50), as the proposal would:

- Result in the removal of a significant tree that is worthy of retention, without giving due regard to all reasonable remedial treatments available.

As such, the proposed development would be at variance with the relevant provisions of the Prospect (City) Development Plan and in particular:

- Council Wide Objectives 41; and
- Council Wide Principles of Development Control 346, 349.

Advisory Notes:

Your Appeal Rights: Pursuant to Section 86(1)(a) of the *Development Act 1993*, you have the right of appeal to the Environment, Resources and Development Court against either:

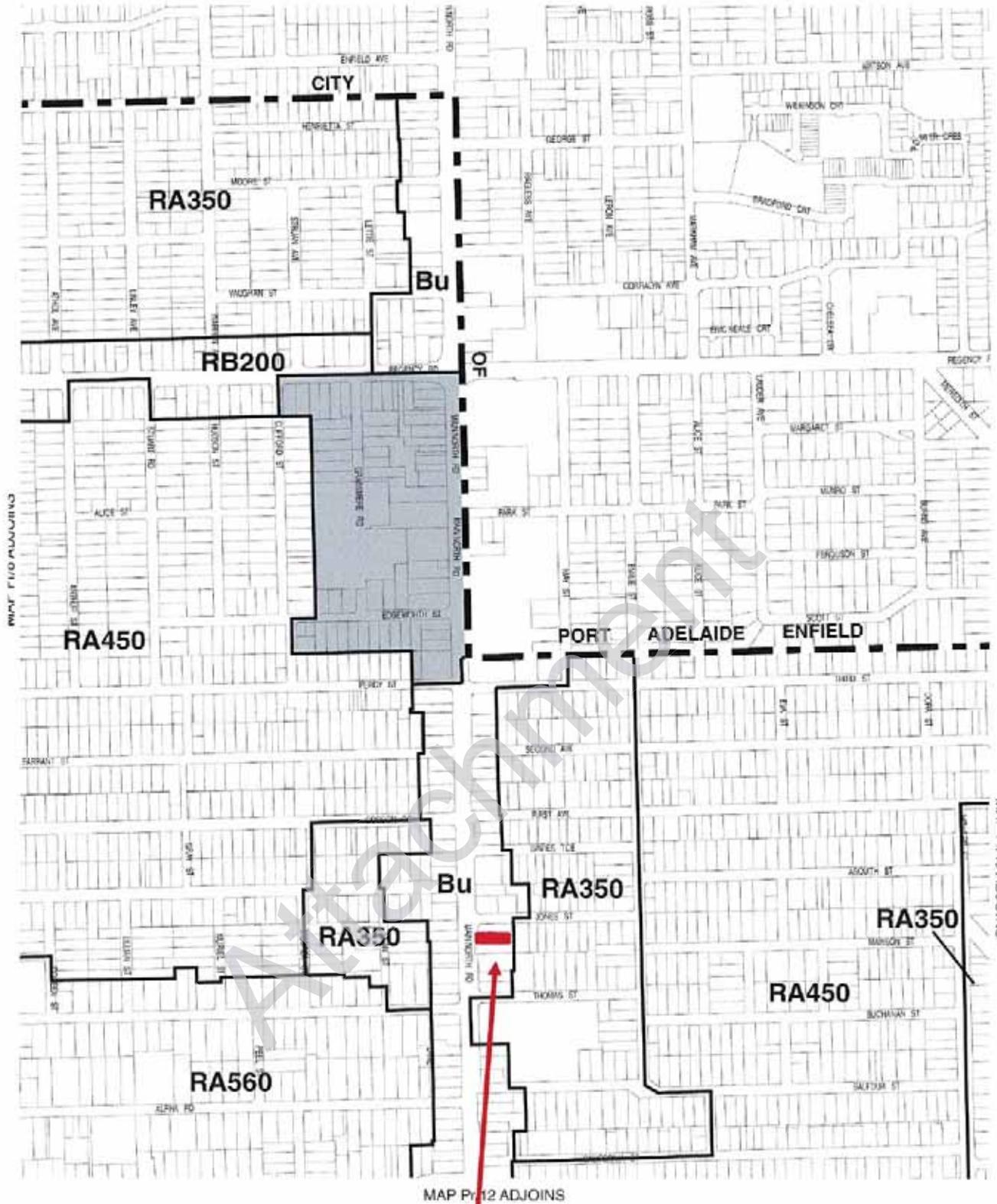
- a) a refusal of consent; or
- b) any condition(s) that have been imposed on a consent.

Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).



Susan Giles
Development Officer, Planning



- RA560 Residential Policy Area A560
- RA450 Residential Policy Area A450
- RA350 Residential Policy Area A350
- RB200 Residential Policy Area B200
- Bu Business

- Policy Area Boundary
- Development Plan Boundary
- Area not covered by Policy

MAP Pr 12 ADJOINS

Subject Land

Scale 1:8000



**PROSPECT COUNCIL
POLICY AREAS
MAP Pr/9**



Civic Centre
 128 Prospect Road
 Prospect SA 5082 AUSTRALIA
 Telephone: 08 8269 5355
 Email: admin@prospect.sa.gov.au

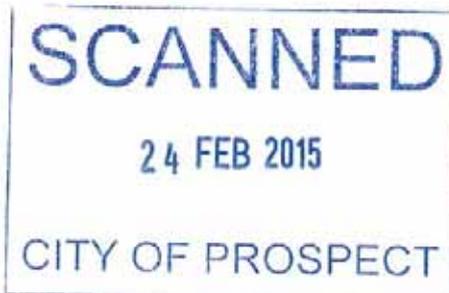
Subject Site



Notes

Disclaimer

This map is a representation of the information currently held by the City of Prospect. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.



Calyptra Pty Ltd
trading as

Dean Nicolle

Ph.D.; B.Sc.(Hons.) Botany; B.App.Sc. (Natural Resource Management)

PO Box 808 Melrose Park, SA 5039

Phone: 0413 214 303

Email: dn@dn.com.au

Web: www.dn.com.au

Arboriculture - Botany - Ecology - Eucalypt Research

Tree Report – 185 Main North Road, Nailsworth

Arboricultural assessment of a significant *Corymbia citriodora* (lemon-scented gum) tree

Development Application No. :
Proposed Development :
Location of Proposed Development : Proposed commercial car yard at 185 Main North Road, NAILSWORTH, SA, 5083
Property Identification :

Arboricultural assessment and report requested by John Riggall of *First national Real Estate* on the 15th of December 2014.

Arboricultural report prepared by Dean Nicolle following a site visit and tree inspection on the 16th of December 2014.

Report dated the 16th of December 2014.



Figure 1. The subject tree; looking approximately north from the subject site. Note the relatively large crown-to-ground distance (caused by the previous crown-lifting pruning of the tree), which increases the impact potential (consequence) of any branch failure events from the crown of the tree.

GENERIC SPECIES INFORMATION

Species:

Corymbia citriodora (lemon-scented gum). Prior to 1995, this species was included in the genus *Eucalyptus*, and known as *Eucalyptus citriodora*.

Distribution:

Corymbia citriodora is an evergreen forest and woodland tree native to Queensland, from the Atherton Tableland in north southwards to near the Carnarvon Tableland. The species is not native to South Australia.

Corymbia citriodora has been, and continues to be, planted in medium to high rainfall regions across southern and eastern Australia, including much of metropolitan Adelaide. The species is grown as specimen and shade trees in private gardens, parks and roadsides in the Prospect council area, where it has generally proved successful and long-lived, although the species can sometimes be problematic due to certain individual's tendency to be subject to sudden branch failure of small to medium-sized branches.

Similar species:

Closely related to *C. maculata* (spotted gum) and *C. variegata* (northern spotted gum), both of which are also commonly planted in Adelaide. *Corymbia citriodora* differs from both these species in the presence of the essential oil citronella in the leaves, the less mottled bark, and the generally narrower leaves.

Maximum size:

Generally reaches a maximum height of about 25 metres tall in the Nailsworth area. The species may attain a much greater size on more favourable sites, with the tallest measured individual in Adelaide being 34 metres tall (Miegunya Avenue, Unley Park) and the largest-girthed individual being 5.10 metres in circumference at 1.4 metres above ground level (Grove Street, Unley Park). In its natural habitat, the species has been recorded as tall as 44.5 metres tall (Blackdown Tableland, Queensland).

Tree health:

A long-lived species, capable of reaching ages in excess of 200 years. The species is deep-rooted and is generally relatively tolerant of soil disturbances.

Risks associated with the species:

Whole-of-tree structural failure in mature and healthy individuals is very rare.

Mature individuals can be subject to small-diameter sudden limb failure in warm, still, non-storm conditions. Like all trees, the species may also be subject to branch failure in extreme weather conditions. Sudden limb failure in this species often occurs in sound timber. Over-extended and heavily end-weighted branches have a significantly increased likelihood of sudden limb failure, especially in branches.

TREE LOCATION and DESCRIPTION

Location:

The tree occurs on a currently vacant commercial allotment, proposed for use as a vehicle display and sales yard, at 185 Main North Road in Nailsworth.

The centre of the tree is located:

- 1) Approximately 6.0 metres from a neighbouring flat-roof commercial building (to the north) with about three metres of crown overhang (Figure 2);
- 2) Approximately 13.0 metres from the front boundary fence of 185 Main North Road (to the west) with no crown overhang; and
- 3) Approximately 15.5 metres from the Main North Road kerb (to the west) with no crown overhang.

Legal status:

A **significant** tree as defined by the *Development Act 1993* in conjunction with the *Development (Regulated Trees) Variation Regulations 2011*.

- Species:	<i>Corymbia citriodora</i>
- Trunk circumference at one metre:	3.10 metres
- Distance to dwelling or pool:	>10.0 metres from nearest dwelling/pool
- Bushfire Risk:	Excluded area from bushfire planning provisions
- Living/dead status:	Alive
- Exemptions:	Exempt species only if less than 10 metres from a dwelling or pool.

Age:

The tree is reproductively mature and is estimated to be between 25 and 50 years old. The species is not indigenous to the region and the tree was certainly planted following residential/commercial development in the locality.

Description:

The tree is approximately 18 metres tall by an average of about 16 metres in spread, with a single trunk up to about 1.6 metres above ground level, where the trunk bifurcates into two erect leaders, above which irregularly-spaced, small-sized to slightly heavy branches of medium length and of very spreading tending to drooping habit begins. The crown of the tree is rounded to spreading in shape, moderate in density, and weighted slightly to the north (Figure 1).

Previous pruning:

The past removal of low branches up to seven metres above ground level and up to 200 mm in diameter is evident, presumably to raise the crown of the tree (Figures 1 and 2).

Future size:

The tree is considered to be near fully-grown under the existing environmental and site conditions and considering the age and structure of the tree. The tree may increase somewhat height and/or spread over the long-term, to an eventual size of about 22 metres tall by 20 metres wide.

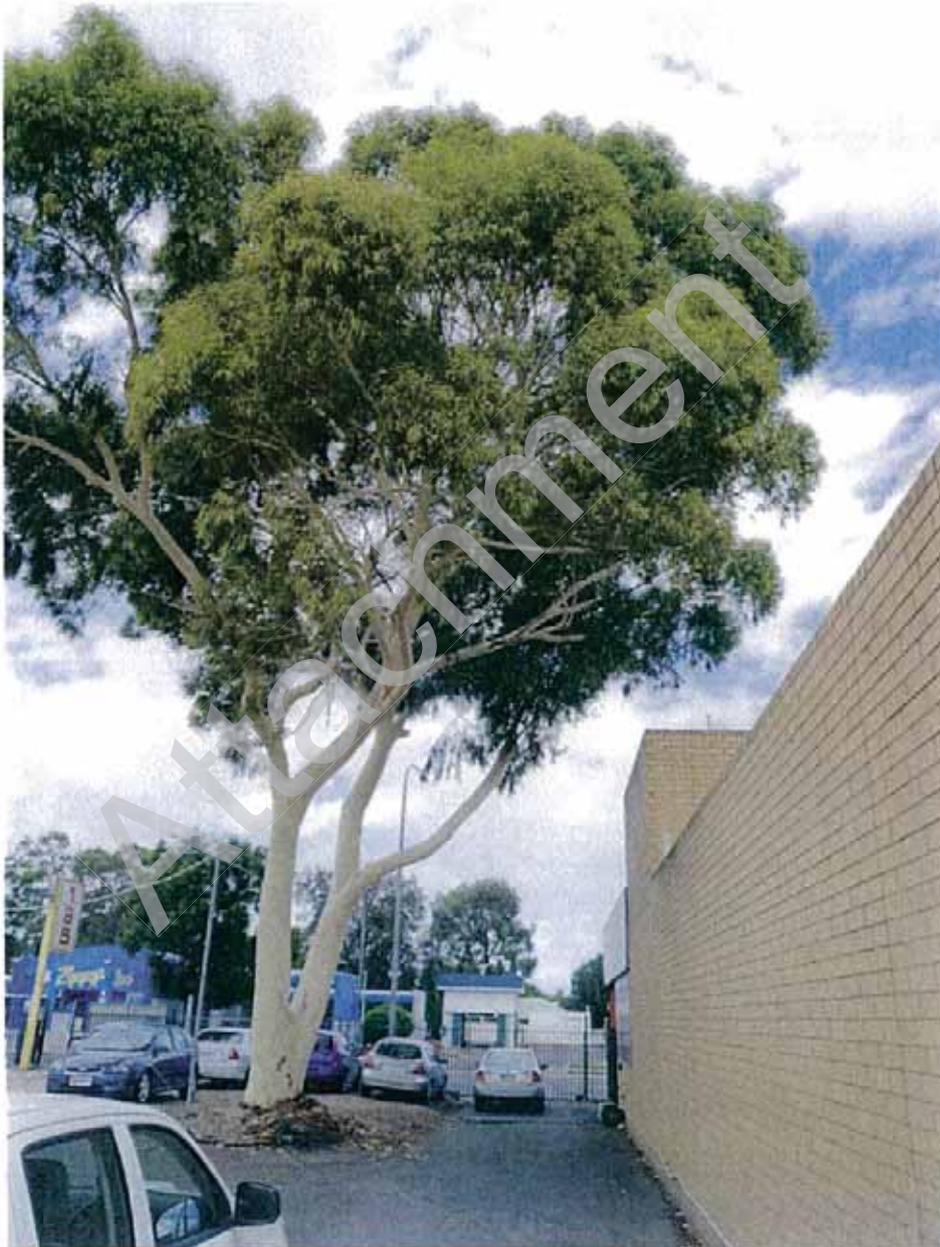


Figure 2. The subject tree; looking approximately west from the subject site. Note the crown extending over the neighbouring flat-roof commercial building.

TREE HEALTH and LONGEVITY

General health:

The tree is currently in an above average and a stable state of health. The tree has moderate vigour.

Pest, diseases and other problems:

The tree has no evidence of any borer activity, termite activity and fungal wood decay.

The foliage of the tree has some slight to moderate and patchy chlorosis (yellowing), possibly caused by limestone-induced iron deficiency in the soil.

No other major pests or diseases were noted in the tree.

Dead material:

There is a negligible dead material evident in the crown of the tree.

Environmental conditions:

The tree occurs in a commercial car sales yard, in gravel-surfaced section surrounded by extensive bitumen-sealed surfaces, and with large commercial structures further from the tree.

The environmental and site conditions surrounding the tree are not ideal for tree growth, but nonetheless appear to be conducive to the sound health of this particular tree.

Life expectancy:

The tree is expected to live for another 30+ years under the existing environmental and site conditions.

The species is not indigenous to the locality but is nevertheless well suited to the local climatic conditions.

RISKS ASSOCIATED WITH THE TREE

Whole-of-tree structural failure:

Whole-of-tree structural failure in healthy and mature individuals of *C. citriodora* is very rare. The base of the tree is well buttressed, healthy, and appears to be sound (Figure 3). The primary trunk bifurcation at 1.6 metres above ground level is healthy and is very soundly structured (Figure 3). The likelihood of whole-of-tree structural failure in this individual is currently considered to be **extremely low**.

Branch failure:

Corymbia citriodora is not particularly subject to large-diameter sudden limb failure in calm weather, unlike some eucalypts, although some individuals of the species are known to be variously subject to smaller-diameter sudden limb failure. Over-extended and heavily end-weighted branches have a higher likelihood of sudden branch failure. Like all trees, the species may also be subject to branch failure in extreme (wet and/or windy) storm conditions.

The branch structure of the tree is generally sound but is deteriorating over time, due to the increasing length and end-weight of primary and secondary branches forming the canopy of the tree. Primary branch junctions are healthy and soundly-structured. The tree has evidence of the recent failure of a secondary branch about 170 mm in diameter (a moderate-sized branch) from the north-western canopy of the tree (Figures 4 and 5). This structural failure occurred at an internodal point (between branch junctions) and through sound wood, indicating that this was a sudden limb failure event. Like all trees, the species may also be subject to structural branch failure in high wind conditions. The *likelihood* of branch failure in this individual is currently considered to be **low to moderate, and increasing over time** (associated with the growth of the tree).

The *consequence* (impact potential) of any structural branch failure events in the tree is significantly increased by two factors: 1) The relatively large ground-to-crown distance, partly due to the past removal of low branches from the tree (which increases the impact potential of any branch failure events; see Figures 1 and 2), and 2) The proposed high use of the under-crown area of the tree, due to its proposed use as a commercial site for vehicle sales.

In the case of commercial site use for vehicle sales, branch failure has a high potential to damage vehicles on display in the car yard beneath the crown of the tree.

Risk to personal safety:

The overall risk to personal safety represented by the tree is considered to be **low to moderate and acceptable, and increasing over time**.

Future threat:

The threat that the tree represents to both property and personal safety is likely to increase if the size of the tree increases and the branches become heavier and more end-weighted over time, as anticipated over time.

Damage:

Leaves and other debris falling from the tree have allegedly blocked stormwater drainage on the neighbouring flat-roof commercial building.

The tree has not otherwise caused any substantial and visible damage to substantial structures of value.

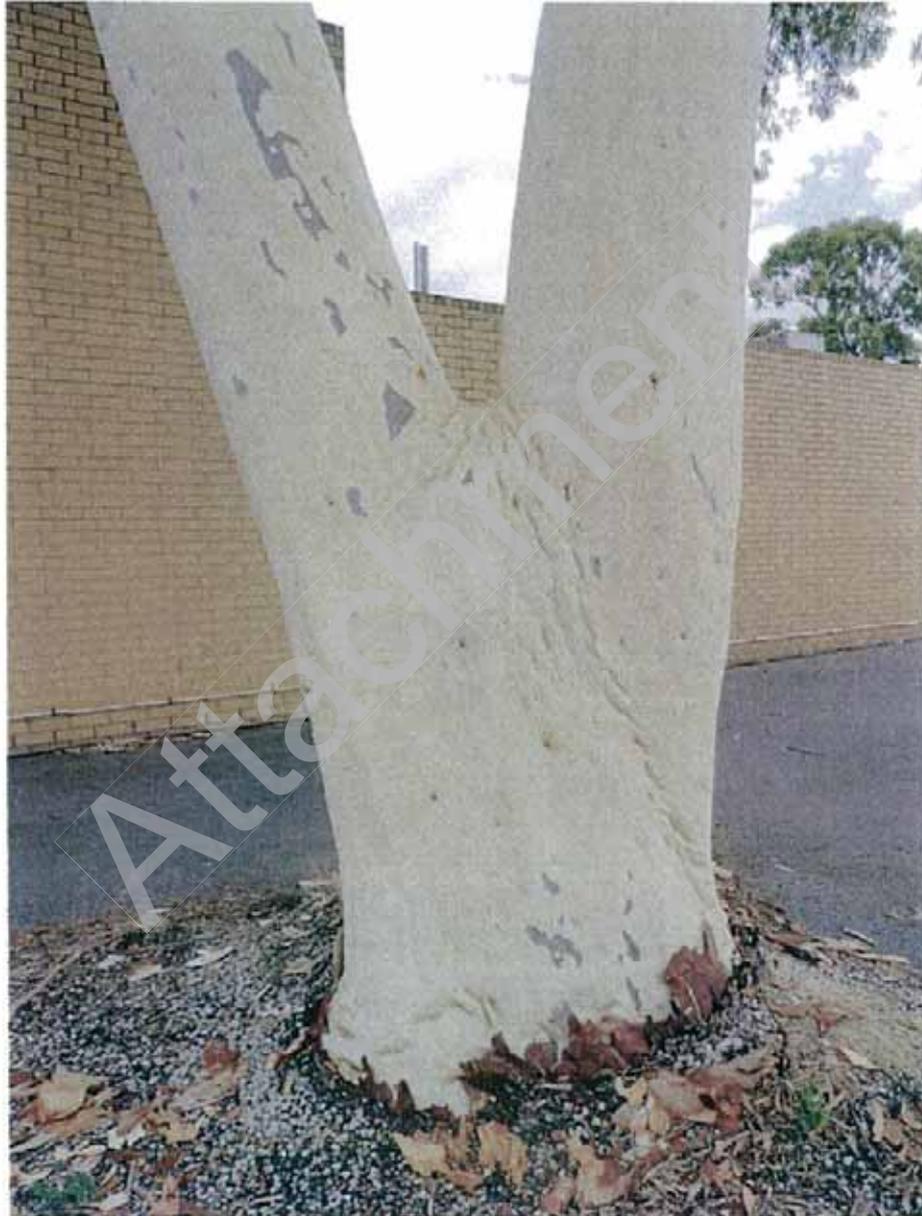


Figure 3. The base and primary trunk bifurcation of the tree, which are healthy and well-structured. The tree has an extremely low likelihood of whole-of-tree structural failure.

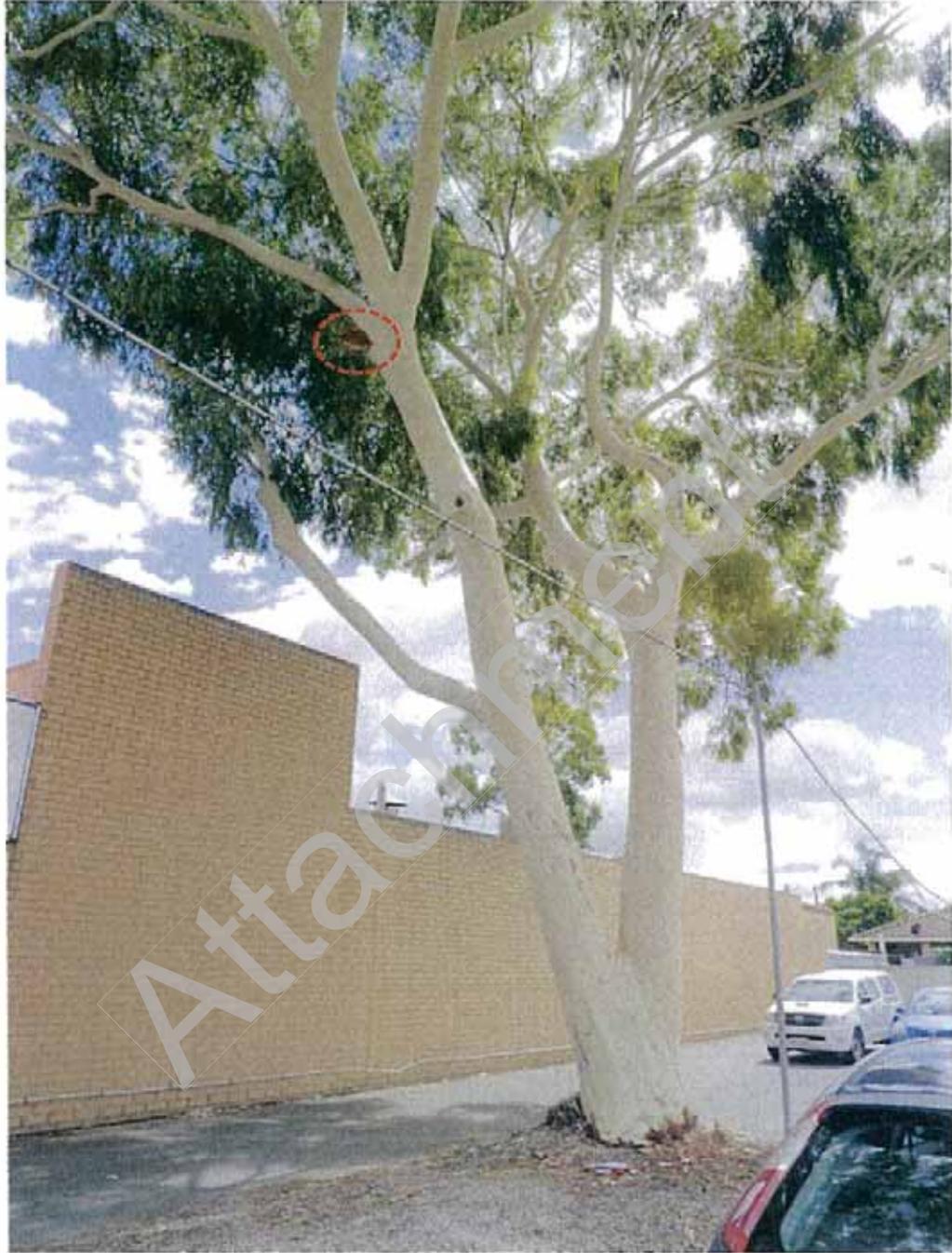


Figure 4. The subject tree; looking approximately north-east from the subject site. The superimposed red ring indicates the scar created by a recent sudden limb failure event (also see Figure 5).



Figure 5. The scar created by a recent sudden limb failure event (also see Figure 4). Note the internodal position (between branch junctions) and sound wood in this failure scar.

ADDRESSING THE DEVELOPMENT PLAN

OBJECTIVES

SIGNIFICANT TREES (Prospect City Council)

41 *The conservation of significant trees in Metropolitan Adelaide which provide important aesthetic and environmental benefit.*

The tree provides an important aesthetic benefit to the local area. The tree is highly visible from Main North Road. The tree does not provide an important environmental benefit to the locality, being a locally exotic species.

PRINCIPLES OF DEVELOPMENT CONTROL

SIGNIFICANT TREES (Prospect City Council)

346 *Where a significant tree:*

(a) *makes an important contribution to the character or amenity of the local area; or*

The tree is highly visible from Main North Road and makes an important contribution to the character or amenity of the local area.

(b) *is indigenous to the local area and its species is listed under the National Parks and Wildlife Act as a rare or endangered native species; or*

The tree is not indigenous to the local area. The tree is not listed under the National Parks and Wildlife Act as a rare or endangered native species.

(c) *represents an important habitat for native fauna; or*

The tree does not represent an important habitat for native fauna. There are no habitable hollows evident in the tree.

(d) *is part of a wildlife corridor of a remnant area of native vegetation; or*

The tree is not part of a wildlife corridor of a remnant area of native vegetation.

(e) *is important to the maintenance of biodiversity in the local environment; or*

The tree is an exotic species and is therefore not important to the maintenance of biodiversity in the local environment.

(f) *forms a notable visual element to the landscape of the local area;*

The tree is highly visible from Main North Road and forms a notable visual element to the landscape of the local area.

development should preserve these attributes.

349 *Significant trees should be preserved and tree-damaging activity should not be undertaken unless:*

(g) in the case of tree removal;

(1) (i) the tree is diseased and its life expectancy is short; or

The tree is not unusually diseased. The tree has the potential to live for another 30+ years under the existing environmental conditions.

(ii) the tree represents an unacceptable risk to public or private safety; or

The tree currently represents a low to moderate and acceptable (but increasing) risk to personal safety.

(iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area; or

The tree is may be within 20 metres of a residential dwelling, but the tree is not considered to represent a bushfire hazard and is not located in a bushfire Prone Area.

(iv) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value; and

The tree is likely to occasionally cause damage to displayed vehicles (through structural branch failure from the tree) if the site is used as a commercial vehicle sales yard.

Leaves and other debris falling from the tree are allegedly causing stormwater drainage problems on the neighbouring flat-roof commercial building.

all other reasonable remedial treatments and measures have been determined to be ineffective.

Other than tree removal, the construction of an under-crown, overhead protective barrier, such as engineered shade-sails or similar open-sided canopy structures, has the potential to reduce or eliminate damage to displaced vehicles in branch failure events from the crown of the tree (see *Recommendations*).

Other risk-reduction methods such as pruning, branch cabling, and personal exclusion zones have been considered but are not considered viable in this case.

RECOMMENDATIONS

The subject tree is worthy of retention. However, the proposed use of the site as a commercial vehicle sales yard may be incompatible with the retention of the tree, due to the likelihood of the tree occasionally causing damage to displayed vehicles, via structural branch failure events from the tree.

In the case of land use as a commercial vehicle sales yard, several options are available:

Option 1

Tree removal

Complete removal of the tree will eliminate the risk to safety and to property associated with the tree. Tree removal will require Council development approval, due to the significant status of the tree (*Development Act 1993*).

Option 2

Construction of an under-canopy protective structure

The construction of an under-crown, overhead protective barrier, such as engineered shade-sails or similar open-sided canopy structures, has the potential to reduce or eliminate damage to displaced vehicles in branch failure events from the crown of the tree. However, the area required to be covered by such an under-crown protective barrier, and therefore the likely high cost involved in constructing such a structure, may make this option non-viable.

Option 3

Retain tree with no under-canopy protective structure

The retention of the tree in the proposed vehicle sales yard, without the construction of an under-canopy protective structure, is likely to result in periodic damage to displaced vehicles, caused by structural branch failures events from the tree.

I thank you for the opportunity to provide this report and trust it meets your requirements. If you require further information or clarification please contact me for assistance.

Dean Nicolle

Ph.D.; B.Sc.(Hons.) Botany; B.App.Sc. (Natural Resource Management).

18 February 2015

To whom it may concern

RE: Support for Application for Tree Removal – 185 Main North Road Nailsworth

Dear Sir/Madam,

I, Brenton Williams, of Brenton's Mechanical Workshop, tenant at 187 Main North Road Nailsworth, hereby wish to strongly support the Application for the removal of the gum tree from the premises at 185 Main North Road, Nailsworth.

This tree, over the years, has created numerous problems for us in conducting our business as a mechanical workshop. In particular:

1. Branches have broken and fallen on the roof of our property and car park causing damage which we have had repaired at our own expense.
2. The gutters on our building are constantly clogged with the falling leaves and this also blocks the downpipes, especially during periods of heavy rain and during winter.
3. The falling branches have also damaged customer cars thus holding us liable for the damage and subsequent repair.
4. We have had to engage tradespeople to clear fallen branches on the roof of our premises, pruning half broken branches hanging dangerously on our side of the property, extra cleaning of our gutters, thus incurring additional costs at our expense in running our business.
5. There is also the real possibility of large branches that are weak with age falling and causing major damage to property or people.

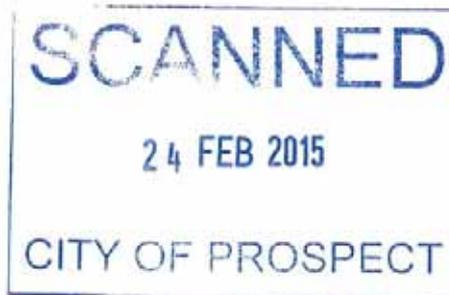
We understand Prospect Council is aware of this issue and have taken small measures in the past.

We sincerely hope that this application will be looked at favourably by Council and eliminate the possibility of this tree seriously damaging property or persons in the vicinity.

Yours sincerely



Brenton Williams
Phone: 8342 6888



SYMATREE



Tree Assessment **185 Main North Road, Nailsworth**

File Number: DA 050/0080/2015

Report prepared for

Ms Susan Giles
Development Officer, Planning
City of Prospect

April 2015

Report prepared by

Sam Cassar

Cert. (Hort 3), Dip. (Hort 5), Dip (Arb 5), B.App. Sc (Hort), Grad. Dip. Design (Land.)

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Attachment

Introduction

Instructions

I was instructed by Council to assess a mature Lemon Scented Gum located within a commercial premise at 185 Main North Road, Nailsworth. My brief was to undertake the following:

- Assess the health and structural condition.
- Assess the tree against the relevant provisions of the Development Act.

Site Visit

I carried out a site inspection on the 8 April 2015.

Limitations

This report is limited to the time and method of inspection. The tree was inspected from ground level only. Neither a climbing inspection or a below-ground investigation was performed. No soil or plant material samples were taken for laboratory analysis.

This report reflects the state of the tree as found on the day. Any changes to site conditions or surrounds, such as construction works undertaken after the inspection, may alter the findings of the report.

The inspection period to which this report applies is three months from the date of the site visit, on the basis that current site conditions remain unchanged.

Date of Report

This report was written on the 8 April 2015.

Observations

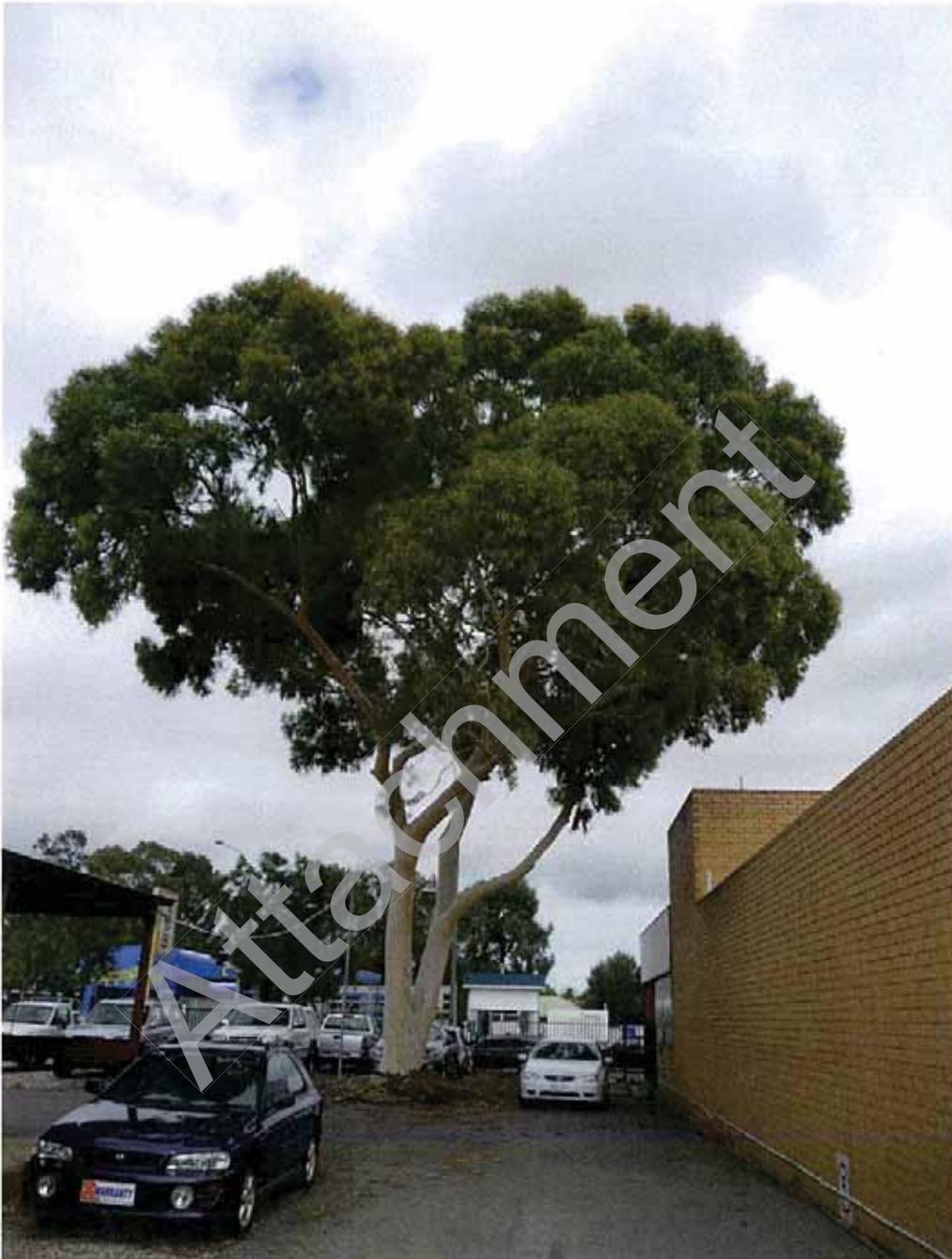


Figure 1 Subject tree, viewed from the east.

Location of tree

The tree is located within a slightly raised garden bed, towards the front of the allotment (refer Figure 1). The trunk centre is 5.6 metres from the Commercial building to the north and 13.1 metres from the front boundary fence to the west.

The subject trees' approximate location is identified on the aerial image provided in Appendix B.

Observations (cont)

Species

Corymbia citriodora commonly referred to as a Lemon Scent Gum.

Crown attributes (approx.)

Height: 17.8 metres (clinometer).

Width (from trunk measured out): south 7.3 metres, north 9.7 metres, west 10.6 metres and to the east 10.4 metres.

Circumference

Single trunk: 3.17 metres.

The tree is a mature specimen that qualifies as a significant tree under the Development (Regulated Trees Variation) Regulations 2011.

Tree Age

Approximately 40 to 50 years.

Structure/Condition

The subject tree divides into two main leaders at 1.65 metres from ground to form a rounded broad spreading crown.

The trunk is vertical and appears to be stable with no evidence of termites or borer activity. A minor woody root is exposed on the tree's northern side.

The canopy is in good health with foliage density and vigour normal and typical of the species. Some chlorotic or yellowing of foliage is noted particularly on the tree's eastern side. The canopy is free from notable pests and diseases. A minor quantity of small diameter dead wood is present at various points throughout the crown. Some epicormic growth is noted along the lower branching framework. This growth is in response to previous lopping of 4 lower northern secondary branches (refer Figure 2).

The primary branch union is well formed. Secondary branch unions also appear to be sound and free of any recognizable significant structural flaws or weaknesses that can be observed from ground.

A number of pruning scars are evident, lower trunk and crown. It appears most of these branches had been removed to crown lift and provide clearances.

Wound wood (callus) has engulfed all the older pruning scars. No significant decay altered wood or termite damage was observed within the face of these pruning scars. There is no evidence of recent pruning to manage the crown.

Only one branch failure of noted was observed. This failure occurred from the tree's north-western side, and occurred 7.9 metres from ground and had a diameter of 150mm approximately (refer Figure 3).

Observations (cont)

A number of the secondary branches in the lower to mid crown are near horizontal descending in orientation. The crown is well balanced with a well formed branching structure.



Figure 2. Lopped branches, circled in red.

Observations (cont)



Figure 3. Branch failure point, north-western side of the tree, circled in red.

Property Damage

No significant damage that can be attributed to the subject tree was observed.

Appraisal

The subject tree is considered Significant under the current provisions of the Development Act, 1993 and in my opinion possesses attributes worthy of retention.

This tree has a strong visual presences/appeal within the locality and is a prominent feature in the landscape. The subject tree has a high aesthetic value and makes an important contribution to the landscape character and amenity of the local area. This tree would be one of the largest located on Main North Road. The importance of this tree is further reinforced due to the overall lack of other mature trees within the immediate locality.

The subject tree is a mature specimen, in good health and reasonable structure with no significant structural defects that indicate to me it poses an unacceptable risk to public safety. This tree is expected to offer a long useful life expectancy. However, this is subject to stable growing conditions being maintained and no additional significant modifications occur that adversely impact the tree's growing environment.

I suggest tree form that is secondary branches in the lower to mid crown that is near horizontal descending in orientation contributed to the recent branch failure. These defects are repeated elsewhere throughout the crown; however these defects can be addressed via pruning to maintain the risks associated with this tree to acceptable levels. The yellowing of foliage is likely to be a response to the alkaline soils located within the locality and does not appear to be significantly impacting the overall health of the tree.

Hazard Assessment

The subject tree extends over approximately 18% (estimate made from Google maps) of the overall commercial premises. Occupancy under the canopy of the subject tree at the time the tree was assessed was a number of second hand cars.

The applicant's arborist assessed the risks of this tree to be low to moderate and acceptable at this time. He concluded the threat this tree represents to both property and personal safety is likely to increase if the size of the tree increases and the branches become heavier and more end-weighted over time. These defects can be addressed via pruning and ongoing tree management.

The crown of this tree is stable. It is a mature specimen approximately 40 to 50 years old and it has only experienced one failure of note. This failure occurred in recent times and the branch diameter was approximately 150mm. The likelihood of failure of a given tree part is based on my experience as an arborist. Likelihood of failure for a similar defect will vary from tree to tree based on a range of variables, such as tree species, tree age, tree condition, the nature of the condition of concern (defect), the load on the defect, past management practices and the tree's level of exposure to climatic conditions.

In my view reasonable alternatives to tree removal, such as pruning (refer to a subsequent section of this report) are available to address the defects identified and maintain or improve the level of risk associated with this tree to acceptable levels.

The tree has a good branching structure with good pruning options available to address the defects identified. I note the applicant's arborist made no real attempt to explore pruning options or alternate management techniques as an alternative to tree removal. There is no evidence any form of maintenance/hazard management pruning to manage the crown has occurred in the past, except removal of branches to improve clearance.

Appraisal (cont)

I would consider the land use below the tree to be currently low use and if the site was to become another car lot then use would increase to high with used vehicles likely to be located under the crown for extended periods of time. Cars are considered to be mobile not constant targets like a building. These areas are therefore the future use (if used as a car lot) of these areas classified as a medium use target area. No buildings or habitable structures are located under the crown of the subject tree. Pedestrian traffic under the crown would be frequent at best once the site was reoccupied.

To reduce the risk of damage to vehicles consideration could be given to locating vehicles outside of the central crown and utilise the space within the lot more efficiently or reduce the number of vehicles on display within the car yard.

Alternatively consideration could be given to the installation of structure such as a set of reinforced sails or a canopy/roofed structure (designed to sustain branch failure). This structure could be similar to the structure used for the large River Red Gum retained as part of the Burnside Village Development to reduce the trees hazard potential. This structure would be constructed below the existing crown. Only the areas used to display vehicles under the crown would require the structure.

Pruning Requirements

All trees have an inherent level of risk and the subject tree does exhibit some defective branches that if left unmanaged are likely to fail in the future. Given the tree has a good branching structure pruning options are available to address these defects and maintain risk to levels deemed to be acceptable.

In general, the following pruning guidelines are recommended to address defects within the crown of the subject tree:

- Remove the lopped northern secondary laterals back to suitable reduction points.
- Prune descending/horizontally orientated lateral branches in accordance with the reduction pruning method as defined under Australian Standard, AS 4373-2007 *Pruning of Amenity Trees*. The term descending/horizontally orientated lateral branches refer to those secondary lateral branches that are long descending/horizontal in orientation with excessive end weight distribution. Pruning of these branches is intended to reduce their length, hence their end weight and therefore stress to the branch union. Reduction pruning should be restricted to within the outer third of lateral branch extensions. Assess each lateral branch and prune to reduce and prune back to suitable reduction points. Pruning should be performed to encourage good quality branch structure and maintain or enhance the tree's natural habit
- Remove dead branches over 30mm in diameter, any excess epicormic growth.
- All pruning must be in accordance with Australian Standard, AS 4373-2007 *Pruning of Amenity Trees* and completed by a suitably qualified Arborist (minimum Level 5). The pruning specified should be carried out under the supervision of the project arborist.

The pruning guidelines provided above should be used only as a guide. It is strongly recommended a detailed pruning plan be development by a suitably qualified Arborist (minimum Level 5) and submitted to Council for consideration if greater than 30% of the overall canopy is proposed to be removed. Also I recommend the subject tree be reassessed every two to three years to monitor tree health and stability.

Conclusion

I conclude that the subject tree, a mature Lemon Scented Gum possesses attributes worthy of protection. This tree provides a high level of amenity to the locality and forms a notable visual element to the landscape of the local area. It is expected this tree will remain an important community asset for some time to come.

The subject tree is in good health and structure with no significant structural defects that indicate to me it poses an unacceptable risk to private safety. In addition, no evidence exist this tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value.

I therefore advise that the subject tree does not meet any of the relevant Principles of the City of Prospect's Development Plan (February 2015) that would justify its removal at this time.

An assessment of the subject tree in accordance with the City of Prospect's Development Plan is provided in Appendix A.

On the basis of the factors outlined, I consider the subject tree is worthy of retention.

To reduce the tree's future hazard potential I do recommend pruning to address defective branches is implemented in accordance with Australian Standards AS4373-2007 pruning of amenity trees, with further pruning required as the tree responds to the initial pruning. I also recommend an assessment of tree health, stability and management requirements occurs every two to three years, subject to the growth rate of the tree.

I wish to stress that trees are natural living organisms and it would not be professional or prudent to guarantee the absolute safety of this or any tree. This is not possible unless trees were made from inert substances and most reasonable people would not make that choice.

Even with appropriate canopy management, I cannot give an absolute guarantee that branch failure/s will not occur in the future. However, it is my view that with on-going management and maintenance by a qualified arborist (with recognised level 5 or greater qualifications) including ongoing monitoring, the likelihood of future branch failure is considered low (acceptable) at this time.

Thank you for the opportunity to provide this report. Should you have any questions or require further information, please do not hesitate to contact me.



Sam Cassar

Appendix A
Significant Tree Principles

Attachment

Principle 346

- (a) Does the Significant Tree make an important contribution to the character or amenity of the local area?

Yes: The tree's location, height and spread of crown gives it a strong visual presence within the immediate locality. It is a large, mature tree, making it a prominent feature in the landscape.

- (b) Is the Significant Tree indigenous to the local area and is its species listed under the National Parks and Wildlife Act as a rare or endangered native species?

No: The tree is not indigenous to the local area or listed under the National Parks and Wildlife Act as a rare or endangered native species. The species originates from temperate and tropical north eastern Australia.

- (c) Does the Significant Tree represent an important habitat for native fauna?

No: The subject tree would not be considered an important habitat for native fauna. No hollows suitable for nesting are present within the crown of the subject tree.

- (d) Is the Significant Tree part of a wildlife corridor or remnant area of native vegetation?

No: There is no visual evidence to indicate the tree is part of a wildlife corridor or part of an area of remnant native vegetation.

- (e) Is the Significant Tree important to the maintenance of biodiversity in the local environment?

No: The tree is not important to the maintenance of biodiversity in the local environment as it is not a local indigenous native species. But the tree does indirectly represent part of the maintenance of biodiversity in the local environment given its age and size.

- (f) Does the Significant Tree form a notable visual element to the landscape of the local area?

Yes: The tree can be viewed from a number of vantage points from within the locality. The subject tree forms a notable visual element in the landscape of the local area, it is clearly visible from the street and surrounding properties for some distance as one travels from any direction away from the subject tree. It would be one of the largest trees located on Main North Road.

Principle 349

Significant trees should be preserved and tree damaging activity should not be undertaken unless one or more of the following applies:

- (1)(i) Is the Significant Tree diseased and its life expectancy short?

No: The tree is not diseased and it is expected to have a long useful life expectancy under existing environmental and site conditions and with on-going management and maintenance by a qualified arborist.

- (1)(ii) Does the Significant Tree represent an unacceptable risk to public or private safety?

No: The tree currently represents a low risk to private safety. It is my view that with on-going management and maintenance by a qualified arborist and ongoing monitoring, the likelihood of future branch failure is considered acceptable at this time.

- (1)(iii) Is the Significant Tree within 20 metres of a residential, tourist accommodation or habitable building and is it a bushfire hazard within a Bushfire Prone Area?

Not applicable

- (1)(iv) Is the Significant Tree shown to be causing or threatening to cause substantial damage to a substantial building or structure of value?

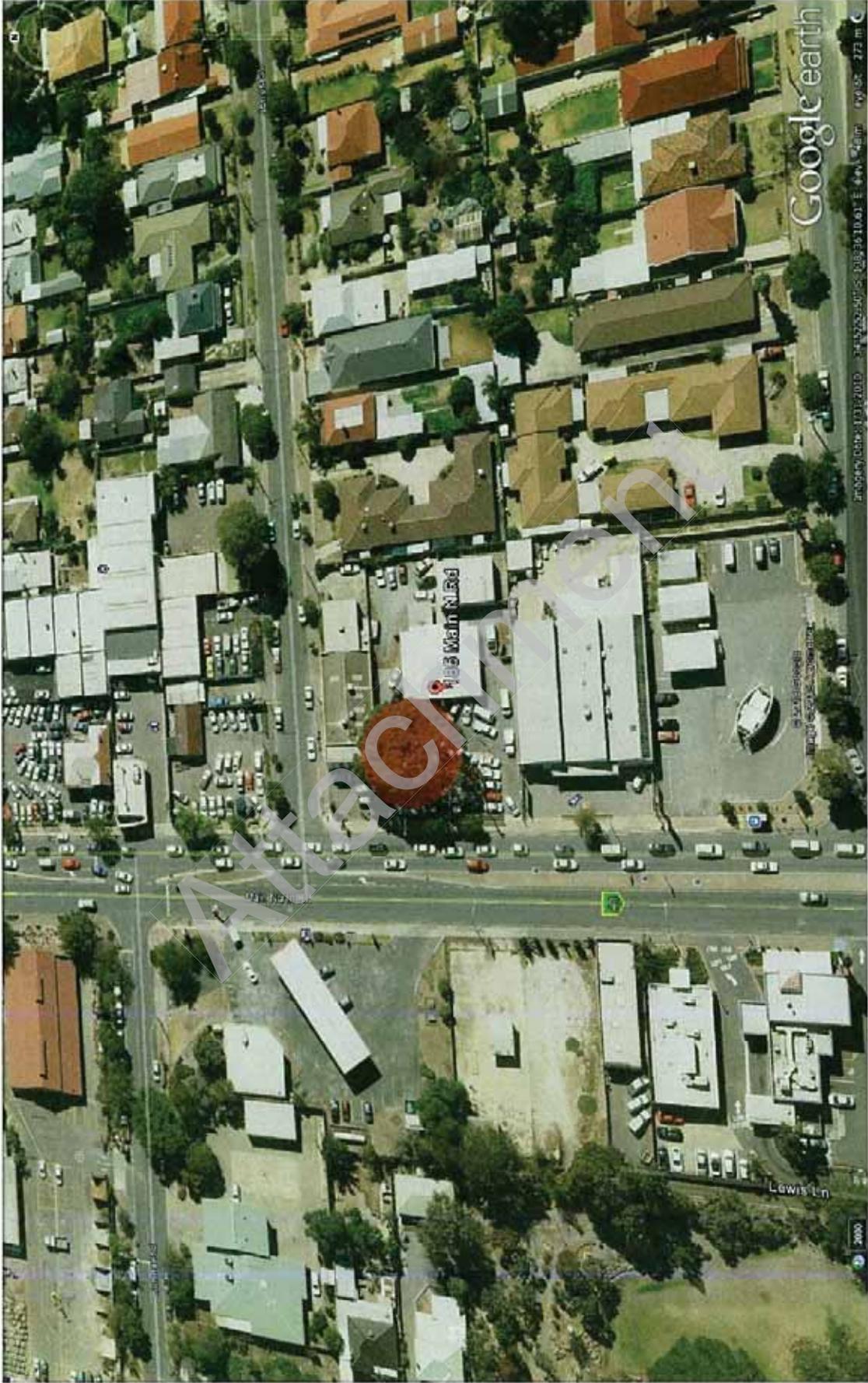
No: No evidence exists this tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value.

- (2) Have all other reasonable remedial treatments and measures have been determined to be ineffective?

No: It has not been demonstrated that all other reasonable remedial treatments and measures such as pruning have been determined to be ineffective to manage the risks associated with this tree in the future.

**Appendix B
Aerial Image**

Attachment



185 Main North Road, Nailsworth

ITEM NO.: 6.1

TO: Development Assessment Panel (DAP) on 11 May 2015

FROM: Director Community, Planning and Communications

SUBJECT: Summary of Development Assessment Commission (DAC) Decisions and Proposals Greater than \$3 Million called in by the Coordinator-General

The summary of matters before and decisions by DAC together with proposals called in by the Coordinator-General is provided to the DAP for information purposes.

For the purpose of this report, the tables below also include matters before, considered or determined by the Inner Metropolitan Development Assessment Commission.

1. MATTERS BEFORE DAC

Development Application / Address	Nature of development	Process update
DA 050/052/15 20A Main North Road and 45 Carter Street, Thorngate	Integrated Service Station Complex (comprising demolition of existing petrol filling station and dwelling, and construction of a two storey petrol filling station, shop and restaurant building with associated underground fuel tanks, canopies, freestanding pylon sign, boundary wall and landscaping)	Public notification has finished and assessment of the application by staff at the Department of Planning, Transport and Infrastructure is ongoing. Council's DAP provided comments at its meeting on 2 March 2015, with those comments also being endorsed by the full Council on 24 March 2015. The date upon which the DAC will consider the application is presently unknown.

2. RELEVANT DECISIONS BY DAC

No new proposals have been determined by the DAC.

3. MATTERS CALLED IN BY THE CO-ORDINATOR GENERAL

No new proposals have been called in by the Co-ordinator General.



Nathan Cunningham
Director Community, Planning and Communications

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ITEM NO.: 7.1
TO: Development Assessment Panel (DAP) on 11 May 2015
FROM: Director Community, Planning and Communications
SUBJECT: Summary of Court Appeals

The status of appeals is provided to the DAP for information purposes. Questions or further clarification may be sought from staff during the meeting.

APPEALS

Development Application / Subject Site	Nature of Development	Decision authority and date	Current status
DA 050/277/2014 252-264 Main North Road, Prospect	Extension to Pylon Sign	9 February 2015 By the DAP	Appeal lodged by applicant. Appealing against Refusal. Following the preliminary conference, a conciliatory conference has been scheduled for 28 May 2015.
DA 050/323/2014 32 Hampstead Road, Broadview	Two, Two Storey Residential Flat Buildings comprising Seven Dwellings with associated Carports, Driveway and Landscaping	12 January 2015 By the DAP	Appeal lodged by land owner (on behalf of applicant). Appealing against Refusal. Following the applicants non-attendance at court on 8 April 2015, the conciliatory conference process was adjourned until 13 May 2015.
DA 050/205/2014 19 North East Road, Collinswood	Decking and Privacy Screens	8 December 2014 By the DAP	Appeal lodged by neighbour. Appealing against Approval. A conciliatory conference was held on 10 March 2015, but was not successful in reaching a compromise between the parties. A directions hearing was held on 1 April 2015 and the appeal has been listed for a hearing on 14 May 2015. Council is a party to the appeal and will provide expert planning evidence to the Court.

<p>DA 050/290/2014</p> <p>125 Devonport Terrace, Prospect</p>	<p>Single Storey Detached Dwelling</p>	<p>22 October 2014</p> <p>By Staff Under Delegation</p>	<p>Appeal lodged by land owner (on behalf of applicant).</p> <p>Appealing against a condition of approval relating to a requirement to construct in accordance with approved plans.</p> <p><i>The conciliatory conference process has been adjourned until 27 April 2015 at the request of the appellant, to allow the appellant sufficient time to consider amendments to the proposal.</i></p>
---------------------------------------------------------------------------	--------------------------------------------	---------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



Nathan Cunningham
Director Community, Planning and Communications